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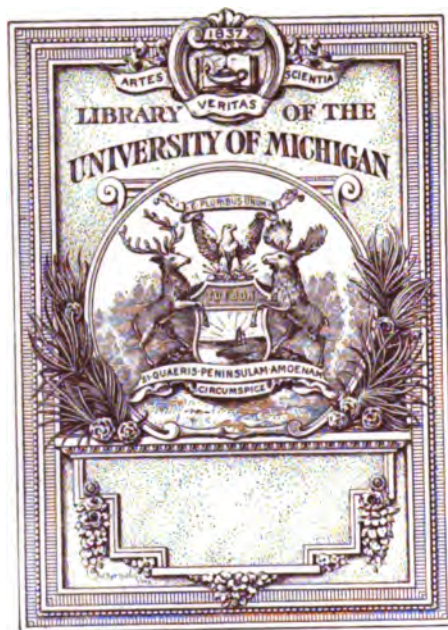
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ANNUAL REPORTS
OF THE
STATE BOARD
OF
ARBITRATION AND CONCILIATION.

1897—1901.



BOSTON :
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
18 POST OFFICE SQUARE.
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ANNUAL REPORT

OF THE

STATE BOARD OF ARBITRATION AND CONCILIATION

FOR THE YEAR ENDING DECEMBER 31, 1896.

BOSTON :
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
18 POST OFFICE SQUARE.
1897.

Mass Bd. of Agric. & Fisheries

CHARLES H. WALCOTT, Chairman.
RICHARD P. BARRY.
CHARLES DANA PALMER.

BERNARD F. SUPPLE, Clerk,
Room 128, State House, Boston.

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ELEVENTH ANNUAL REPORT.

To the Senate and House of Representatives in General Court assembled.

The work of the Board during the year 1896 has been of about the average amount and of the same general nature as in former years, except that arbitration cases, as distinguished from cases of conciliation, have been relatively more numerous than heretofore. Practically the whole of the shoe manufacturing industry of Marlborough was passed upon in this manner, either directly or indirectly, by the Board during the first half of the year. Settlements have been made in Boston and other places between associations of employers, on the one side, and unions on the other side, in which it was expressly stipulated that questions arising in the future which could not be settled by agreement of the parties or by local arbitration should be referred to the decision of this Board, without strike or lockout. The practical advantage to all parties of such a standing agreement for arbitra-

tion has been amply shown in the past, and is likely to be even more fully illustrated in the future. Such a stipulation has now been adopted in several cities and towns, for the trades of shoemaking, steam-fitting, brewing and other trades.

There appears to have been of late a marked change in the attitude of organized labor towards arbitration, notably in Boston and Lynn. It is a cause of regret that the expressed willingness of workmen and the unions to submit questions to the decision of an impartial tribunal has not always been met in a conciliatory spirit by employers.

It has been the aim of the Board, in all its reports to the General Court, to give in a condensed and readable form an account of the several phases assumed during the year by the "labor question," so called. For obtaining the most accurate information the Board probably possesses better opportunities than any other three persons not actually within the arena, and not parties to the debate.

With this view of what is expected of the Board, we are led every year to take cognizance of strikes and lockouts when there is no reasonable expectation of an early adjustment by agreement of the parties. Sometimes under these

discouraging conditions, by the exercise of patience, tact and discretion, good results have been achieved through the efforts or by the advice of the Board, but a perceptible lapse of time is essential for the purpose, and the first attempts at getting acquainted with the parties and securing their confidence are sometimes spoken of by the newspapers and by magazine writers as "failures." The apparent results or want of result in such cases are by themselves no proper test of the work of a Board or of the value of an economical principle or policy. Some people who are unfavorable to any form of state arbitration and, therefore, determined not to see any good that may be done by it, are ready to cite all these cases as "failures" of state arbitration, although rightly viewed they merely show the failure in particular instances of employees or employers to make use of an influence which always works for harmony and never for discord. Arbitration presupposes a certain amount of intelligence and a considerable degree of self control on the part of those who are expected to resort to it. The reasonable expectation is that it will be resorted to before war is declared and everybody thereby made angry and excited. The realization of this truth makes slow, but, as we believe, steady progress among the

people, and until it is well understood the results of any form of arbitration must of necessity fall short of what ought to be seen. Not to mention the commendation which the Massachusetts plan, and the results accomplished here, have received from our own citizens, from officers and citizens of other states, and in the official reports of foreign countries, the tangible results of this influence, as exerted in this Commonwealth, appear to the Board a sufficient justification of the principle of state arbitration.

Arbitration is at present in high favor as a means of settling disputes between nations, and it has always been esteemed by sensible people as a method of adjusting controversies which not infrequently arise between individual neighbors. The lesson which we are all slowly and painfully learning is that arbitration is also the best method of settling troublesome questions which arise between an employer on the one hand and numbers of his employees, on the other, who have learned through organization to exert a force which, as individuals, they could not exert with any hope of success. What is called state arbitration may indeed still be on trial, but not more so than any other form of arbitration; and when the tendency of thought in the Republic is

duly considered, it can hardly be denied that the Commonwealth, as a whole, has a deep and practical interest in the just settlement of labor disputes; and no cry of "paternalism" or other merely theoretical objection ought to be sufficient to prevent the Commonwealth from safeguarding the interests of its people, in any way which may seem proper under the shifting and complex conditions of our business and social life.

The Board has taken cognizance during the year of controversies involving persons whose yearly earnings are estimated at \$1,216,300. The total yearly earnings under ordinary conditions of the factories, etc., involved are estimated at \$10,012,480.

The expense of maintaining the State Board for the year has been \$11,305.86.

Following are accounts of particular cases dealt with by the Board, but no report can fully show the influence exerted, because it often happens that an agreement is reached by the parties, without any action by the Board at the close of the affair, the parties nevertheless acting under the influence and advice of the Board previously given in one way or another. And it is no uncommon occurrence for a settlement to be determined by some decision of the Board previously announced and published in a similar case.

REPORTS OF CASES.

REPORTS OF CASES.

THE S. H. HOWE SHOE COMPANY—MARLBOROUGH.

In the series of Marlborough cases which occupied much of the time of the Board during the first half of the current year, the case first taken up in accordance with the request of all parties was that relating to reductions in the three factories of The S. H. Howe Shoe Company known as "Diamond M," "Diamond A". and "Diamond F."

The decision rendered on April 13 is given below, together with a few changes which were agreed to by the parties on April 27:—

In the matter of the joint application of The S. H. Howe Shoe Company, of Marlborough, and its Employees.

PETITION FILED JANUARY 22, 1896.

HEARING, JANUARY 31, 1896.

This case arises out of the claims of The S. H. Howe Shoe Company, of Marlborough, for a substantial reduction on certain parts of the work in three of its factories. The other manufacturers in the same city

have also claimed reductions; but with the exception of the case of the Cotting Avenue Factory (Rice & Hutchins, Incorporated), decided this day, all the other cases have been kept in suspense, at the request of the respective parties thereto, in the hope and expectation that the two decisions rendered to-day will afford a basis upon which most of the wages in dispute throughout the city may be adjusted by agreement.

It should, however, be borne in mind that the Board has necessarily felt obliged to make its conclusions applicable to the conditions of the factories actually under consideration; and, as regards other factories, in the first instance at least, the parties interested must judge how far these prices are fairly applicable to such other factories.

Diamond M, or Regular Factory.

STITCHING ROOM.

	Per 12 pairs.
Closing heel seam, women's lined polka, Puritan or National machine,	\$.03
Closing heel seam, misses' lined polka, Puritan or National machine, . . . . .	.02½
Closing heel seam, children's lined polka, Puritan or National machine, . . . . .	.02½
Closing heel seam, women's circular seam, Puritan or National machine, . . . . .	.02½
Closing heel seam, misses' and children's circular seam, Puritan or National machine, . . . . .	.02½
Closing heel seam, men's, boys' and youths', National machine, . . . . .	.03½
Closing heel seam, men's, boys' and youths', Puritan machine, . . . . .	.03½
Staying heel seam, women's and misses', Union machine, . . . . .	.03½
Staying heel seam, children's, Union machine, . . . . .	.03

	Per 12 pairs.
Staying heel seam, women's and misses', Puritan machine, .	\$0.03½
Staying heel seam, children's, Puritan machine, . . . .	.08
Staying heel seam, men's, boys' and youths', Union machine, .	.04
Staying heel seam, men's, boys' and youths', Puritan machine, . . . . .	.03½
Stitching sole leather counters, . . . . .	.05
Lapping heel seam, 3-needle, creedmoor, . . . . .	.04½
Stitching gusset on vamp (short), . . . . .	.03½
Stitching gusset to quarter, . . . . .	.06
Vamping foxed Pedro, no gusset, . . . . .	.11
Vamping foxed Pedro, with gusset, . . . . .	.12
Stitching 2d row on No. 4 circular seam,* . . . . .	.03
Pasting facing on No. 7 circular seam, . . . . .	.06
Stitching 2d row on No. 7 circular seam, . . . . .	.06
Stitching tips, Union special machine, . . . . .	.02½
Stitching 2d row on balmorals, . . . . .	.02½
Trimming top held on, . . . . .	.07
Vamping 3 rows, Merrick machine, . . . . .	.11
Vamping 2 rows, Merrick machine, . . . . .	.10
Siding creedmoors, 2 rows, . . . . .	.05½
Siding creedmoors, 3 rows, . . . . .	.09
Stitching congress, . . . . .	.18
Stitching gusset to vamp (long), . . . . .	.04½
Stitching creoles, unlined, . . . . .	.14
Stitching creoles, lined, . . . . .	.22½
Lapping heel seam, foxed Pedro, . . . . .	.04
Trimming No. 8 circular seam, women's, . . . . .	.09½
Trimming No. 8 circular seam, misses', . . . . .	.09
Trimming No. 8 circular seam, children's, . . . . .	.08
Trimming button, women's and misses', . . . . .	.13
Trimming button, children's, . . . . .	.12
Eyeletting men's balmorals and creedmoors, . . . . .	.02
Hooking (new machine), . . . . .	.01½
Seaming up congress lining, . . . . .	.01½
Lapping heel seam, 3-needle, creoles, . . . . .	.05½

* See changes noted at end of decision.

BOTTOMING ROOM.		Per 60 pairs.
Pegging women's and misses', one row,		\$0.22½
Pegging children's, one row, . . . . .		.15
Pegging women's and misses', two rows, . . . . .		.30
Pegging children's, two rows, . . . . .		.25
Pegging women's and misses', two rows, peg toe, . . . . .		.30
Pegging women's and misses', one row, peg toe, . . . . .		.22½
		Per 36 pairs.
Pegging men's, two rows, half double sole or tap,		\$0.25
Pegging men's, two rows, peg toe, half double sole or tap, . . . . .		.25
Pegging boys, two rows, half double sole or tap, . . . . .		.22½
Pegging boys', two rows, peg toe, half double sole or tap, . . . . .		.22½
		Per 12 pairs.
Standard nailing, women's,		\$0.06
Standard nailing, misses' and children's, . . . . .		.05
Standard nailing, men's and boys', . . . . .		.06
Standard nailing, youths', . . . . .		.05
Dunham nailing, men's and boys', . . . . .		.07
Dunham nailing, youths', . . . . .		.06½
		Per 60 pairs.
Nailing toes, women's, misses' and children's,		\$0.12½
		Per 48 pairs.
Nailing toes, men's, boys' and youths',		\$0.12½
FINISHING ROOM.		Per 12 pairs.
Sanding men's shoes,		\$0.06½
Sanding boys' and youths' shoes, . . . . .		.05½
DRESSING ROOM.		Per 60 pairs.
Dressing, women's, misses' and children's,		\$0.08
		Per 48 pairs.
Dressing, men's and boys',		\$0.08
Dressing, youths', . . . . .		.07
HEEL TRIMMING AND BURNISHING ROOM.		
Trimming heels, men's, boys' and youths', . . . . .		.14
		Per 60 pairs.
Trimming heels, women's,		\$0.14
Trimming heels, misses', . . . . .		.13
Trimming heels, children's, . . . . .		.12½
		Per 12 pairs.
Burnishing heels on Rockingham machine, all kinds,		\$0.02½

DIAMOND F AND DIAMOND A FACTORIES.

STITCHING ROOM.

FLAT BALMORALS.

	Per 12 pairs.
Stitching 2d row, folded linings, men's, boys' and youths', .	\$0.03
Stitching 2d row, folded linings, little gents', . . . . .	.02½
Stitching 2d row, no linings, men's, boys' and youths', Union	
Special machine, . . . . .	.02½
Stitching 2d row, no linings, little gents', . . . . .	.02½
Stitching 2d row, curved, men's, boys' and youths', . . . .	.03
Stitching 2d row, curved, little gents', . . . . .	.02½
Pasting facing on lining, men's, boys' and youths', . . . .	.02
Trimming tops, folded lining pasted, men's, boys' and youths',	.06
Trimming tops, folded lining not pasted, men's, boys' and youths', . . . . .	.07
Trimming tops, folded lining not pasted, little gents', . . . .	.06
Trimming tops, turned top, not pasted, men's, boys' and youths',	.06½
Trimming tops, turned top, not pasted, little gents', . . . .	.06
Trimming tops, faced and 250 top faced pasted, men's, boys' and youths', . . . . .	.05½
Trimming tops, faced and 250 top faced not pasted, men's, boys' and youths', . . . . .	.06
Trimming and second row Singer knife machine, men's, boys' and youths', . . . . .	.04½
Stitching across top, men's, boys', youths' and little gents', .	.02½
Punching and eyeletting, men's, boys' and youths', . . . .	.02
Hooking, new machine, men's, boys' and youths', . . . . .	.01½
Hooking, new machine, little gents', . . . . .	.01½
Punching and eyeletting, little gents', . . . . .	.01½
Closing on lining to top, men's, boys' and youths', . . . .	.03½
Beading not pasted, men's, boys' and youths', . . . . .	.12
Beading not pasted, little gents', . . . . .	.10½
Stitching tips, 2-needle, Union Special machine, men's, boys' and youths', . . . . .	.02½

	Per 12 pairs.
Stitching tips, 2-needle, Union Special machine, little gents', .	\$0.02
Stitching tips, No. 9 tip, men's, boys', youths' and little gents', .	.04½
Vamping 3 rows, waxed, men's and boys', Merrick machine, .	.11
Vamping 3 rows, waxed, youths', Merrick machine, .	.10
Vamping 3 rows, dry, Union Special machine, men's and boys', . . . . .	.10
Vamping 3 rows, dry, Union Special machine, youths', .	.09
Vamping 3 rows, dry, Union Special machine, little gents', .	.08
Vamping 3 rows, waxed, little gents', . . . . .	.08
Vamping 2 rows, Singer machine, men's and boys', .	.10
Vamping 2 rows, Singer machine, youths',* . . . . .	.09½
Vamping 2 rows, Singer machine, little gents',* . . . . .	.08½
Vamping 2 rows, waxed, men's and boys', . . . . .	.10
Vamping 2 rows, waxed, youths', . . . . .	.09½
Vamping 2 rows, waxed, little gents', . . . . .	.08½
Closing heel seam, Puritan machine, men's, boys', youths' and little gents', . . . . .	.08½
Closing heel seam, regular machine, men's, boys' and youths', .	.08½
Closing heel seam, little gents', . . . . .	.08½
Rubbing heel seam, machine, men's, boys', youths' and little gents', . . . . .	.00½
Rubbing and turning and cutting welt, men's, boys' and youths', . . . . .	.02
Rubbing and turning and cutting welt, little gents', . . . . .	.01½
Rubbing and turning by hand cloth welt, men's, boys' and youths', . . . . .	.01½
Rubbing and turning by hand cloth welt, little gents', . . . . .	.01½
Staying heel seam, Puritan machine, men's, boys', youths' and little gents', . . . . .	.08½
Staying heel seam, National machine, men's, boys', youths' and little gents', . . . . .	.04
Marking vamps, tipped, . . . . .	.01
Marking vamps, plain toes, . . . . .	.00½

CONGRESS.

Closing lining, instep only, men's and boys', . . . . .	.01½
Stitching gores, men's and boys', . . . . .	.18

All other prices same as on balmorals.

* See changes noted at end of decision.

CLIMAX BUTTON.

	Per 60 pairs.
Stitching linings, women's and misses',	\$0.33
Stitching linings, children's, . . . . .	.30
Closing front seam, women's, . . . . .	.14½
Closing front seam, misses', . . . . .	.13
Closing front seam, children's, . . . . .	.11
Staying front seam, women's, . . . . .	.13
Staying front seam, misses', . . . . .	.11
Staying front seam, children's, . . . . .	.09
Closing on all around, women's, . . . . .	.52
Closing on all around, misses', . . . . .	.49
Closing on all around, children's, . . . . .	.43½
Cording all around, women's, . . . . .	.39
Cording all around, misses', . . . . .	.38
Cording all around, children's, . . . . .	.34
Vamping 3 rows, Merrick machine, women's, . . . . .	.38
Vamping 3 rows, Merrick machine, misses', . . . . .	.36½
Vamping 3 rows, Merrick machine, children's, . . . . .	.33
Vamping 2 rows, Merrick machine, women's, misses' and children's, . . . . .	.32½
Vamping 2 rows, Merrick, children's, . . . . .	.32½
Buttoning uppers, . . . . .	.05
Working buttonholes, per hundred, 5 cents.	

CIRCULAR SEAM.

Stitching 2d row, women's, misses' and children's, . . . . .	.14
Closing on lining all around, women's, . . . . .	.37½
Closing on lining all around, misses', . . . . .	.35
Closing on lining all around, children's, . . . . .	.30
Cording, women's, . . . . .	.32
Cording, misses', . . . . .	.30
Cording, children's, . . . . .	.26

BOTTOMING ROOM.

	Per 12 pairs.
Fair stitching taps, Puritan, men's, boys' and youths',	\$0.03
Fair stitching soles, Puritan, men's, boys' and youths', . . . . .	.04
McKay sewing, men's, . . . . .	.09½
McKay sewing, boys' and youths', . . . . .	.09

	Per 12 pairs.
McKay sewing, little gents',	\$0.08
Standard nailing, men's, boys' and youths',*	.06
Standard nailing, little gents',*	.05
Standard nailing, women's, . . . . .	.06
Standard nailing, misses' and children's, . . . . .	.05

HEEL TRIMMING AND BURNISHING ROOM.

	Per 60 pairs.
Heel trimming, regular women's,	\$0.14
Heel trimming, regular misses', . . . . .	.13
Heel trimming, regular children's, . . . . .	.12½
	Per 48 pairs.
Heel trimming, regular men's, boys' and youths',	\$0.14
Heel trimming, Goodyear enamel and vici, men's, boys' and youths', . . . . .	.14½
	Per 12 pairs.
Burnishing heels, Rockingham, piece all kinds,	\$0.02½
Buffing bottoms, including all sanding of heels, women's and misses', . . . . .	.05½
Buffing bottoms, including all sanding of heels, children's, . . . . .	.05
Buffing bottoms, including all sanding of heels, men's, . . . . .	.06½
Buffing bottoms, including all sanding of heels, boys' and youths', . . . . .	.05½

DRESSING ROOM.

Dressing once, women's, children's and misses, 60 pairs, . . . . .	.08
Dressing once, men's and boys', 48 pairs, . . . . .	.09
Dressing once, youths' and little gents', 48 pairs, . . . . .	.07
Hooking (Diamond A) in dressing room, 12 pairs, . . . . .	.02

It has been agreed that the decision in this case shall take effect from the ninth day of December, 1895, the time when the new prices were introduced by the company.

By the Board,

BERNARD F. SUPPLE, *Clerk.*

* See changes noted at end of decision.

The following changes were agreed to by the parties, on April 27, 1896:—

	Per 12 pairs.
Stitching 2d row on circular seam,	\$0.02½
Vamping 2 rows, Singer machine, youths', . . . . .	.10
Vamping 2 rows, Singer machine, little gents', . . . . .	.09
Standard nailing, men's and boys', . . . . .	.06
Standard nailing, youths and little gents', . . . . .	.05

BERNARD F. SUPPLE, *Clerk.*

Result.—The decision was accepted and applied by all concerned, and subsequently, about December 1, the other factory of The S. H. Howe Shoe Company, known as “Diamond O,” which had been shut down for several months, was started up, with prices agreed to, upon the basis of the prices recommended by the Board for the “Diamond A” factory.

RICE & HUTCHINS (Incorporated) — MARLBOROUGH.

The second case in the Marlborough series related to reductions in the Cotting Avenue Factory of Rice & Hutchins, and on April 13 the following decision was rendered:—

In the matter of the joint application of Rice & Hutchins, Incorporated, of Marlborough, and the employees in the Cotting Avenue Factory.

PETITION FILED JANUARY 22, 1896.

HEARING, FEBRUARY 5, 1896.

This case arises out of the claims of Rice & Hutchins, Incorporated, of Marlborough, for a substantial reduction on certain parts of the work in the Cotting Avenue Factory. The other manufacturers in the same city have also claimed reductions; but with the exception of the case of The S. H. Howe Shoe Company, decided this day, all the other cases have been kept in suspense, at the request of the respective parties thereto, in the hope and expectation that the two decisions rendered to-day will afford a basis upon which most of the wages in dispute throughout the city may be adjusted by agreement.

It should, however, be borne in mind that the Board has necessarily felt obliged to make its conclusions applicable to the conditions of the factory actually under consideration; and, as regards other factories, in the first instance at least, the parties interested must judge how far these prices are fairly applicable to such other factories.

COTTING AVENUE FACTORY.

FITTING ROOM.

BALMORALS.

	Per 12 pairs.
Second row, quarter only, Singer machine, men's, boys', youths' and children's,	\$0.03
Stitching lining to top half, chainstitch machine, men's, boys', youths' and children's, . . . . .	.03½
Stitching lining to top whole, chainstitch machine, men's, boys', youths' and children's, . . . . .	.04½
Turning down and cementing by hand, closed, men's, . . . . .	.05½
Turning down and cementing by hand, closed, boys', youths' and children's, . . . . .	.05
First row, folded edge, cylinder, men's, . . . . .	.09
First row, folded edge, cylinder, boys' and youths', . . . . .	.08½
First row, folded edge, cylinder, children's, . . . . .	.08
First row, folded edge, flat, men's, . . . . .	.08½
First row, folded edge, flat, boys' and youths', . . . . .	.08
First row, folded edge, flat, children's, . . . . .	.07½
First row, or trimming raw edge, flat, men's, boys' and youths', . . . . .	.07
First row, or trimming raw edge, flat, children's, . . . . .	.06½
Staying heel seam, waxed thread, 2-needle, men's, boys', youths' and children's, . . . . .	.04
Staying heel seam, dry thread, 2-needle, close heel, men's, boys', youths' and children's, . . . . .	.04½
Staying heel seam, dry thread, 1-needle, and stitching across top, men's, boys' and youths', . . . . .	.09
Staying heel seam, dry thread, 1-needle, and stitching across top, children's, . . . . .	.08
Staying heel seam, dry thread, 1-needle, closed, men's, boys' and youths', . . . . .	.06
Staying heel seam, dry thread, 1-needle, closed, children's, . . . . .	.05½
Punching, gang punch, men's, boys', youths' and children's, . . . . .	.01½

	Per 12 pairs.
Eyeletting, foot power, no eyelet at top, men's, boys' and youths',	\$0.02½
Eyeletting, foot power, no eyelet at top, children's, . . .	.02½
Second row, holding tongue, men's, . . . . .	.05½
Second row, holding tongue, boys', youths' and children's, . .	.05
Second row, without tongue, men's, . . . . .	.05
Second row, without tongue, boys', youths' and children's, . .	.04½
Closing heel, waxed thread, full length, men's, boys', youths' and children's, . . . . .	.04
Closing heel of vamp, Union Special machine, men's, boys', youths' and children's, . . . . .	.02½
Closing heel, dry thread, full length, men's, boys', youths' and children's, . . . . .	.05½
Stitching tips, Singer, 2-needle, men's, boys', youths' and children's, . . . . .	.03
Stitching tips, Union Special machine, men's, boys', youths' and children's, . . . . .	.02½
Stitching tips, Singer, 1-needle, men's, boys', youths' and children's, . . . . .	.04½
Stitching tips, pointed, Singer, 1-needle, men's, boys', youths' and children's, . . . . .	.05
Stitching tips, XX calf, men's, boys', youths' and children's, .	.03
Vamping flat, 2-needle, Singer, men's, boys', youths' and children's, . . . . .	.10
Vamping flat, 1 needle, men's, boys', youths' and children's, .	.16
Vamping flat, 3d row, men's, . . . . .	.06
Vamping flat, 3d row, boys' and youths', . . . . .	.05½
Vamping Singer cylinder, 2-needle, men's, boys' and youths', .	.18
Vamping Singer cylinder, 2-needle, children's, . . . . .	.17
Vamping cylinder, 3d row, men's, boys' and youths', . . .	.07

CONGRESS.

Stitching gores, with V, folded edge, men's and boys', . . .	.20½
Stitching gores, with V, plain edge, men's and boys', . . .	.19½
Stitching gores, with V, front and one side, men's and boys', .	.17
Stitching gores, one side, arm machine, men's and boys', . .	.08
Closing tops, Singer machine, men's and boys', . . . . .	.03
Staying, waxed thread, 2-needle, men's and boys', . . . . .	.04
Staying, dry thread, 1-needle, across top, men's and boys', . .	.09

Per 12 pairs.

- Whipping back stay, including turning, once, men's and boys', \$0.08
 Vamping, same as balmorals.

BUTTON BOOTS.

Closing lining to top, chainstitch machine, men's, boys', youths' and children's, . . . . .	.03½
Closing lining to top, chainstitch machine, whole, men's, boys', youths' and children's, . . . . .	.04½
Folding down and cementing, men's, boys', youths' and children's, . . . . .	.04
Closing button piece to top, men's, boys', youths' and children's, . . . . .	.04
Staying button piece, 2-needle, men's and boys', . . . . .	.05½
Staying button piece, 2-needle, youths' and children's, . . . . .	.04½
First row, top and button piece, folded, men's, boys' and youths', . . . . .	.10
First row, top and button piece, folded, children's, . . . . .	.09½
First row, top and button piece, trimmed button piece, men's, boys' and youths', . . . . .	.08
First row, top and button piece, trimmed button piece, children's, . . . . .	.07½

BICYCLE BALMORALS.

First row, men's, . . . . .	.13
First row, boys' and youths', . . . . .	.12½
Second row, men's, . . . . .	.12½
Second row, boys' and youths', . . . . .	.12

BICYCLE OXFORDS.

First row, men's, . . . . .	.12
First row, boys' and youths', . . . . .	.11½
Second row, men's, . . . . .	.11
Second row, boys' and youths', . . . . .	.10½

BOTTOMING ROOM.

McKAY SEWING.

Three stitches to the inch and over, men's, . . . . .	.10½
Three stitches to the inch and over, boys' and youths', . . . . .	.09½
Three stitches to the inch and over, children's, . . . . .	.08½

FAIRSTITCHING.

Per 12 pairs.

New National machine, men's, boys', youths and children's, . \$0.07½

NAILING.

Spring heels, Monarch slug, children's,08½

Spring heels, without Monarch slug, children's,03

INSOLES.

Putting in smooth insoles, men's,03½

Putting in smooth insoles, boys', youths' and children's,03

HEELS.

Heel trimming, Smith or Union machine, men's,05½

Heel trimming, Smith or Union machine, boys' and youths',04½

Slugging, all around, men's,04½

Slugging, all around, boys' and youths',03

Slugging, half-way around, men's, boys' and youths',03

Trimming, forepart, shank and heel, spring heels, 1st and 2d
quality, children's,18Trimming, forepart, shank and heel, spring heels, 3d and 4th
quality, children's,16

EDGE SETTING, INCLUDING BLACKING.

Union machine, men's,12

Union machine, boys' and youths',11

Union machine, 2 edges, forepart twice, shank once, men's,18½

Union machine, 2 edges, forepart twice, shank once, boys' and
youths',18

Union machine, 3 soles, men's,14

Union machine, spring heels, forepart, heel and shank, chil-
dren's,18Truck machine, spring heels, forepart, heel and shank, chil-
dren's,15

Truck machine, regular work, men's, boys' and youths',09

Truck machine, fair stitch, men's, boys' and youths',10

EDGE WHEELING.

By hand, men's, boys' and youths',03

FINISHING ROOM.

SANDING.

Per 12 pairs.

Foreparts, shank and heel, filed, men's and boys', . . .	. \$0.06½
Foreparts, shank and heel, filed, youths', . . . . .	. .05½
Foreparts, shank and heel, not filed, men's and boys', . . .	. .07
Foreparts, shank and heel, not filed, youths', . . . . .	. .06
Foreparts and heels, no shanks, filed, men's, . . . . .	. .06
Foreparts and heels, no shanks, filed, boys', . . . . .	. .05½
Foreparts and heels, no shanks, filed, youths', . . . . .	. .05
Foreparts and heels, no shanks, not filed, men's, . . . . .	. .06½
Foreparts and heels, no shanks, not filed, boys', . . . . .	. .06
Foreparts and heels, no shanks, not filed, youths', . . . . .	. .05½
Foreparts, shanks and heels, spring heels, . . . . .	. .06

MISCELLANEOUS.

Painting bottoms, men's, boys', youths' and children's, . . .	. .03
Slicking bottoms, men's, boys', youths' and children's, . . .	. .02½
Polishing bottoms, men's, boys', youths' and children's, . . .	. .02½
Polishing heel and scraping nails, men's, . . . . .	. .02½
Polishing heel and scraping nails, boys' and youths', . . . .	. .02½
Blacking shanks, men's, boy's and youths', . . . . .	. .01½
Blacking shanks and heels, men's, boys', youths' and children's,	. .02½
Blacking shanks and heels and bottoms, men's, boys', youths'	
and children's, . . . . .	. .01½
Blacking shanks and bottoms, men's, boys' and youths', . . .	. .04
Faking and brushing shanks, men's, boys' and youths', . . .	. .02
Faking and brushing spring heels, children's, . . . . .	. .03½
Staining shanks and heel, russet shoes, men's, boys', youths'	
and children's, . . . . .	. .03

TREEING ROOM.

Treeing calf when chalked twice and rubbed twice, men's, . .	. .30
Treeing calf when chalked twice and rubbed twice, boys' and	
youths', . . . . .	. .28
Treeing glacé, chalk finish, men's, . . . . .	. .22
Treeing glacé, chalk finish, boys', youths' and children's, . .	. .20

It has been agreed that the decision in this case shall take effect from the ninth day of December, 1895, the time when the new prices were introduced by the corporation.

By the Board,

BERNARD F. SUPPLE, *Clerk*.

Result. The decision was accepted and applied by all concerned.

THE BOYD & COREY BOOT AND SHOE MANUFACTURING COMPANY — MARLBOROUGH.

The third case in the Marlborough series related to reductions in the factory of The Boyd & Corey Boot and Shoe Manufacturing Company, and on June 22 the following decision was rendered:—

In the matter of the joint application of The Boyd & Corey Boot and Shoe Manufacturing Company, of Marlborough, and its employees.

PETITION FILED JANUARY 22, 1896.

HEARING, MAY 8.

The hearing and decision in this case were postponed, by agreement of the parties, to await the decisions in the cases of The S. H. Howe Shoe Company and the Cotting Avenue Factory of Rice & Hutchins. The application in this case and the list actually presented to the Board are intended to embody items not covered by the decisions above referred to, and items to which those decisions are considered not wholly applicable.

After due consideration The Board recommends the following prices for the factory of The Boyd & Corey Boot and Shoe Manufacturing Company, Marlborough:—

	Per 12 pairs.
Vamping, 3-needle Wheeler & Wilson machine, dry thread,	
flat, Balmorals, men's, boys' and youths',	\$0.13
Vamping, 3-needle Wheeler & Wilson machine, dry thread,	
flat, Congress, men's, boys' and youths', . . . . .	.12
Slicking bottoms, all grades, men's, boys', youths' and children's, . . . . .	.02½

	Per 12 pairs.
Polishing bottoms, men's, boys', youths' and children's,	\$0.02½
Faking and brushing shanks, striped tags, men's, boy's, youths' and children's, . . . . .	.04½
McKay sewing, three stitches and over, men's, . . . . .	.10½
McKay sewing, three stitches and over, boys' and youths', . . . . .	.09½
McKay sewing, three stitches and over, children's, . . . . .	.08½
McKay sewing, striped tags, under three stitches, men's, . . . . .	.09½
McKay sewing, striped tags, under three stitches, boys' and youths', . . . . .	.09
McKay sewing, striped tags, under three stitches, children's, . . . . .	.08
Goodyear sewing and welting, men's, boys' and youths': per pair, 4½ cents.	
Standard screw nailing, Rapid machine, men's, . . . . .	.07
Standard screw nailing, Rapid machine, boys' and youths', . . . . .	.06
Standard screw nailing, Rapid machine, children's, . . . . .	.05
Cementing, laying channels and levelling, Swain & Fuller machine, men's, boys', youths' and children's, . . . . .	.08
Heeling, McKay Rapid machine, all grades, men's, boys', youths' and children's, . . . . .	.06½
Slugging heels all around, Wire Grip machine, men's, . . . . .	.04½
Slugging heels all around, Wire Grip machine, boys', youths' and children's, . . . . .	.03½
Slugging heels half-way around, Wire Grip machine, men's, boys', youths' and children's, . . . . .	.03
Trimming heels, Smith machine, purple tags, men's, boys', youths' and children's, . . . . .	.05½
Trimming heels, Smith machine, white or striped tags, men's, boys', youths' and children's, . . . . .	.04½
Trimming forepart edges, Goodyear, first quality, men's, boys' and youths', . . . . .	.22
Trimming forepart edges, Goodyear, second quality, men's, boys' and youths', . . . . .	.20
Blackening and burnishing heels, Rockingham machine, men's, boys', youths' and children's, . . . . .	.03½
Boot crimping by machine, men's, boys' and youths', . . . . .	.17
Hooking, in stitching room, three or four hooks, men's, boys', youths' and children's, . . . . .	.02
	Per 100.
Tacking half-heels, men's, boys', youths' and children's,	\$0.35

It has been agreed that the decision in this case shall take effect from the ninth day of December, 1895, the time when new prices were introduced by the employer.

By the Board,

BERNARD F. SUPPLE, *Clerk*.

Result. The decision was accepted and applied by all concerned.

JOHN A. FRYE—MARLBOROUGH.

The fourth case in the Marlborough series presented reductions in the factory of John A. Frye. A decision was rendered on June 22, as follows:—

In the matter of the joint application of John A. Frye, of Marlborough, and his employees.

PETITION FILED JANUARY 25, 1896.

HEARING, MAY '4.

The hearing and decision in this case were postponed, by agreement of the parties, to await the decisions in the cases of The S. H. Howe Shoe Company and the Coting Avenue Factory of Rice & Hutchins. The application in this case and the list actually presented to the Board are intended to embody items not covered by the decisions above referred to, and items to which those decisions are considered not wholly applicable.

On certain parts of the work, the application calls both for piece prices and for a price for the same work by the day. The Board is impressed by the difficulty of making day prices and piece prices for the same work in any factory, and, for fear of doing injustice, has, in the exercise of its best judgment, recommended in this case piece prices only, preferring to leave the question of a day price to be settled between the employer and the workmen, according to each man's ability.

After due consideration the Board recommends the following prices for the factory of John A. Frye, Marlborough:—

SHOES.	Per 12 pairs.
Lapping gussets, men's,	\$0.01 $\frac{1}{2}$
Fairstitching taps, Old National machine, men's, . . . . .	.06
Lasting tip shoes, McKay-Copeland machine, men's, . . . . .	.35 $\frac{1}{2}$
Tacking soles by machine, all fitted, men's, . . . . .	.06 $\frac{1}{2}$
Tacking on men's outside taps, extra, . . . . .	.04
Pegging two rows, men's, . . . . .	.10
Pegging two rows, boys', . . . . .	.09
Pegging two rows, youths', . . . . .	.08
Attaching heels, Bigelow machine, men's, . . . . .	.02 $\frac{7}{16}$
Attaching heels, Bigelow machine, boys', . . . . .	.01 $\frac{1}{8}$
Attaching heels, Bigelow machine, youths', . . . . .	.01 $\frac{7}{12}$
	Per 60 pairs.
Building whole stock heels with Haverhill die, four-eighths of an inch heel, and including one-half of the top lift, men's,	\$0.65
Each additional one-eighth of an inch, . . . . .	.10
Boys' and youths', 10 cents less than men's.	
Building union heels with Haverhill die, four-eighths of an inch heel, and including one-half of the top lift, men's, . . . . .	.45
Each additional one-eighth of an inch, . . . . .	.10
Boys' and youths', 10 cents less than men's.	
	Per 12 pairs.
Sanding bottoms: shanks, foreparts and heels; not filed, men's,	\$0.07 $\frac{1}{2}$
Sanding bottoms: shanks, foreparts and heels; not filed, boys' and youths', . . . . .	.06 $\frac{1}{2}$
Wetting and brushing bottoms, men's, . . . . .	.03
Wetting and brushing bottoms, boys', . . . . .	.02 $\frac{1}{2}$
Wetting and brushing bottoms, youths', . . . . .	.02
Rasping foreparts, men's and boys', . . . . .	.04
Rasping foreparts and shanks, men's and boys', . . . . .	.04
Blackening shanks, men's, . . . . .	.01 $\frac{1}{2}$
Blackening shanks, boys', . . . . .	.01 $\frac{1}{2}$
Blackening shanks, youths', . . . . .	.01 $\frac{1}{2}$
Blackening shanks, heels and foreparts, men's, . . . . .	.03 $\frac{1}{2}$

	Per 12 pairs.
Blackening shanks, heels and foreparts, boys' and youths', .	\$0.08½
Patent buckle, two buckles, putting on, men's, . . . .	.04
Patent buckle, three buckles, putting on, men's, . . . .	.06
Nailing toes, Shepherd machine, men's, . . . .	.03½
Nailing toes, Shepherd machine, boys' and youths', . . . .	.03
Nailing taps, Shepherd machine, men's and boys, . . . .	.10
Standard nailing all around, Rapid machine, men's, . . . .	.07
Standard nailing all around, Rapid machine, boys', . . . .	.06½
Standard nailing all around, Rapid machine, youths', . . . .	.06
Standard nailing, foreparts and shanks only, men's and boys', .	.05½
Treeing grain by hand, men's, boys' and youths', . . . .	.07½

BOOTS.

Siding men's, 20 inches and under, . . . . .	.10
Siding men's, over 20 inches, . . . . .	.14
Siding boys' and youths', . . . . .	.09
Siding children's, . . . . .	.07
Sewing on straps, operator not to cut threads, men's and boys', . . . . .	.03
Sewing on straps, operator not to cut threads, youths' and children's, . . . . .	.02½
Stitching saddle-seam, men's and boys', . . . . .	.05½
Lasting: drawing over and operating; McKay-Copeland machine, plain toes, men's and boys', . . . . .	.30
Lasting: drawing over and operating; McKay-Copeland machine, double uppers, men's, . . . . .	.48
Lasting by hand, including sole-tacking, plain toes, men's, .	.60
Lasting by hand, including sole-tacking, plain toes, boys', .	.55
Lasting by hand, including sole-tacking, plain toes, youths',	.51
Lasting by hand, including sole-tacking, tip, youths', . . .	.57
Tacking soles by machine, all fitted, men's and boys', . . .	.08½
Tacking on tap soles, men's extra, . . . . .	.04
Pegging two rows, men's, . . . . .	.13
Pegging two rows, boys', . . . . .	.09
Pegging two rows, youths' and children's, . . . . .	.08
Attaching heels, Bigelow machine, men's, . . . . .	.02⅞
Attaching heels, Bigelow machine, boys', . . . . .	.01½
Attaching heels, Bigelow machine, youths' and children's, .	.01⅞

	Per 60 pairs.
Building whole stock heels with Haverhill die, four-eighths of an inch heel, and including one-half of the top lift, men's,	\$0.65
Each additional one-eighth of an inch, . . . . .	.10
Boys' and youths', 10 cents less than men's.	
Building union heels with Haverhill die, four-eighths of an inch heel, and including one-half of the top lift, men's, . .	.45
Each additional one-eighth of an inch, . . . . .	.10
Boys' and youths', 10 cents less than men's.	
	Per 12 pairs.
Sanding bottoms, pegged and nailed work: heels, foreparts and shanks; not filed, men's,	\$0.09
Sanding bottoms, pegged and nailed work: heels, foreparts and shanks; not filed, boys', . . . . .	.08
Sanding bottoms, pegged and nailed work: heels, foreparts and shanks; not filed, youths', . . . . .	.07
Rasping foreparts, men's, boys' and youths', . . . . .	.04
Rasping foreparts and shanks, men's, boys' and youths', . .	.04
Blacking shanks, men's, . . . . .	.02
Blacking shanks, boys', . . . . .	.01½
Blacking shanks, youths' and children's, . . . . .	.01½
Treeing kip and split, Copeland machine, 20 inches and under, men's, . . . . .	.55
Treeing kip and split, Copeland machine, over 20 inches, men's, . . . . .	.66
Treeing kip and split, by hand, men's, . . . . .	.75
Treeing kip and split, by hand, boys', . . . . .	.60
Treeing kip and split, by hand, youths', . . . . .	.50
Treeing kip and split, by hand, children's, . . . . .	.48
Treeing men's, for each dozen including size 12, extra, . .	.05
Treeing each dozen of boys, size 6, extra, . . . . .	.05
Gilding tops, men's, . . . . .	.03½
Gilding tops, boys', youths' and children's, . . . . .	.03
Gilding Continental tops, youths' and children's, . . . .	.02
Nailing toes, Shepherd machine, men's, . . . . .	.03½
Nailing toes, Shepherd machine, boys', youths' and children's, .	.03
Nailing taps, Shepherd machine, men's and boys, . . . .	.10
Nailing heelseats, Shepherd machine, youths' and children's, .	.02
Standard nailing, all round, Rapid machine, men's, . . . .	.07
Standard nailing, all around, Rapid machine, boys', . . . .	.06½

	<small>Per 12 pairs.</small>
Standard nailing, all around, Rapid machine, youths' and	
children's,	\$0.06
Standard nailing, foreparts and shanks only, men's and boys',	.05½

It has been agreed that the decision in this case shall take effect from the ninth day of December, 1895, the time when new prices were introduced by the employer.

By the Board,

BERNARD F. SUPPLE, *Clerk.*

Result. The decision was accepted and applied by all concerned.

RICE & HUTCHINS (Incorporated) — MARLBOROUGH.

The fifth case in the Marlborough series was that of the Middlesex Factory of Rice & Hutchins. On August 11 the following decision was rendered: —

In the matter of the joint application of Rice & Hutchins, Incorporated, and their employees.

PETITION FILED JANUARY 22, 1896.

HEARING, JULY 15.

In this case the Board is called upon to decide some questions of wages which were not settled by the decisions recently made in other factories in Marlborough.

The Board recommends that the following prices be paid in the Middlesex Factory of Rice & Hutchins at Marlborough: —

STITCHING ROOM.

	Per 12 pairs.
Stitching facings to linings, held on, Wilcox & Gibbs machine, men's, boys' and youths',	\$0.02½
Stitching facings to linings, pasted, holding tongue, Singer machine, men's, boys' and youths', . . . . .	.03½
Stitching creole gores with V, 1-needle Singer machine, men's, . . . . .	.20½

BOTTOMING ROOM.

McKay sewing, all around, under three stitches to the inch, men's, . . . . .	.09½
McKay sewing, all around, under three stitches to the inch, boys' and youths', . . . . .	.09
Attaching heels, American Lightning machine, men's, boys' and youths', . . . . .	.06

By agreement of the parties this decision is to take effect from December 9, 1895.

By the Board,

BERNARD F. SUPPLE, *Clerk.*

Result. The decision was accepted and applied by all concerned.

WILLIAM GRAY & SONS—LEE.

In December, a year ago, a strike occurred in Lee, on the part of the journeymen stonecutters employed by William Gray & Sons. The trouble arose in this manner: For nearly a year next preceding, an agreement had been in force between the firm and their stonecutters, the terms of which were contained in the following letter dated January 19, 1895, and accepted by the union:—

Journeymen Stonecutters' Association, Lee, Mass.

DEAR SIRS:—We will agree to accept the resolutions presented by you on January 16, 1895, which are as follows:—

1. That nine hours constitute a day's work.
2. That eight hours on Saturday.
3. That thirty-four cents per hour be the wages.
4. That the regular pay day be every second Saturday, and three days kept in hand.
5. That any man being discharged or leaving, to get his money within ten (10) hours' notice.
6. That there be no alterations in the above resolutions for the term of six (6) months from date.

Respectfully yours,

WM. GRAY & SONS.

No definite information concerning the controversy reached the Board until the latter part of January, when communication was had by telephone with the firm and with a representative of the union. The latter having expressed a wish on the part of the union for the presence and advice of the Board, a visit was accordingly made to Lee on January 25, when the Board had interviews, first with a committee of the union, and afterwards with the superintendent, at the quarry. In brief, the workmen said that the strike occurred on December 9; that prior to that time an attempt had been made by them to induce the firm to renew the agreement that was soon to expire; that to this the firm demurred, saying that it was not necessary to take any such action as was proposed, until the agreement had run out, and adding that the firm did not purpose making any changes. After this interview, five workmen, who once had been members of the Lee union, but had made themselves subjects for discipline under the rules of the union, were brought from Philadelphia and put to work at Lee.

The union men protested, and said that they could not work with these men, until the latter should have submitted, and made their peace with the organization. The firm refused to dis-

charge the five men, and the others thereupon left work. The union complained that the firm had not kept their promise that no changes should be made, claiming that, instead of a union shop, the place had now been changed to a "free" or "open shop." The firm, however, insisted that they had done nothing inconsistent with the assurance given, that the wages had not been changed, and that the union men had voluntarily left their employment, and so severed their relations with the employers.

It was made evident enough to the Board that the situation was awkward and embarrassing for all concerned, and that by reason of the controversy much work which might otherwise have been brought to Lee had been diverted to other places. Both parties seemed to desire a settlement, if any could be devised. The firm expressed no antagonism to the union, and appeared to have no intention to cut down wages. All hinged upon the question whether an understanding could be effected between the union and the five workmen, under which the latter might be restored to their former good standing with the union.

It was thought that this delicate business could be handled to the best advantage by the

selectmen, who were probably known to all the parties, and might be expected to desire to promote the business welfare of the town. Accordingly, the following letter was sent to the selectmen, requesting their co-operation:—

STATE BOARD OF ARBITRATION AND CONCILIATION,
BOSTON, January 25, 1896.

To the Selectmen of Lee.

GENTLEMEN:—Having learned of a controversy in your town involving William Gray & Sons and their recent employees, the Board visited the place yesterday and had separate interviews with the superintendent of the works and the representatives of the workmen's union. The real difficulty seems to have arisen between the local union and five of the present employees, who were formerly members in good standing, but are so no longer. There is very little difference as to the facts in the case, and, without undertaking to rehearse them here unnecessarily, we desire to inform you that after our conference with the parties, we are of the opinion that with a little assistance from you, acting in the public interest and for the good of all concerned, the difficulty may be promptly adjusted. The thing to aim at, is the reconciliation of the union with the five men who hold themselves aloof, and if they can be brought together, there appears good reason to believe that everything else will adjust itself. But the relations between those men and the union have been so strained, that it is doubtful whether they can be brought together for discussion, except through the assistance and mediation of some disinterested person or persons, and we think that

your board or some member of it can best perform this kindly and beneficent service. We shall send a copy of this letter to the committee of the union, and advise them, as we have already done informally, to call upon you immediately and express their willingness to await your pleasure in fixing a time when they can meet the five delinquents, in your presence, for the purpose of discussing the situation and trying to agree upon some friendly arrangement that will remove the one stumbling-block to a settlement of the whole trouble. We believe that the union will be reasonable and lenient in the enforcement of its regulations, and, if the five men can see their way to an accommodation without any loss to their self-respect, we are assured by the superintendent and by Mr. Gross that there will be no difficulty on the part of the employers. We ask you to undertake this service as an act of co-operation with us, because we are convinced that with your local knowledge and acquaintance, and the influence which you must necessarily be able to exert, you can act more effectively than any one else.

We are very truly yours,

CHARLES H. WALCOTT, *Chairman.*

The above communication was not acknowledged, and so far as the Board has been informed, no action of any kind was taken by the selectmen. Work continued slack at the quarry all through the summer and autumn, and the controversy remained unsettled. Some of the workmen left town and obtained work elsewhere, but the union, as the phrase was, "kept up the

fight" by attempting measures which only served to aggravate the case.

Finally, on October 15, 1896, in view of reports unfavorable to the action of the workmen, a formal request was received from the parties representing the union workmen that the Board would proceed to an investigation of the matter and make a report of the facts. In response to this request, the Board again visited Lee and conferred with a committee of the workmen, but it did not appear that the situation had materially changed in any way. An attempt was made to see the firm, but they were not in town. Subsequently an interview was had, by appointment, in Boston, with one of the firm, who stated that work was then so slack that they could not employ more men, under any conditions. The Board suggested a meeting of the firm with the workmen; but, in view of the circumstances already stated, the firm was unable to see how any interview could lead to any practical results, until more workmen should be needed.

A general report of the interview was given to the workmen who signed the application to the Board, concluding with the expression of a hope "that in the near future, when business revives, a desire on both sides for a settlement

of this difficulty will be sufficiently evident to lead to a satisfactory agreement. In view of this probability, the Board deems it inexpedient to open up a public investigation of the case."

It may be added that, while this report has been in preparation, this controversy, so long drawn out, has been brought to an end, and some, at least, of the former employees have been reinstated at the works in Lee.

C. J. SAWYER—HUDSON.

In March, the employees of C. J. Sawyer, of Hudson, manufacturer of wooden and paper boxes, were notified of a reduction in wages, which was to go into effect on April 1, 1896, but upon objection from the employees, it was agreed to submit the matter to the State Board.

The following decision was rendered on April 27, 1896:—

In the matter of the joint application of C. J. Sawyer, of Hudson, and his employees.

PETITION FILED MARCH 30, 1896.

HEARINGS, MARCH 30, APRIL 2.

This case presents the question of wages to be paid for making paper boxes, or cartons. The Board recommends that the following prices be paid in the factory of C. J. Sawyer, at Hudson:—

SHOE CARTONS.

	Per 100.
Papering boxes,	\$0.06
Papering covers, trimmed, . . . . .	.06
Papering covers, plain, . . . . .	.05½
Topping covers, . . . . .	.03½
Staying covers, . . . . .	.03½
Bottoming boxes, . . . . .	.03½
Turning in boxes, . . . . .	.03
Turning in covers, . . . . .	.03

	Per 100.
Labeling boxes,	\$0.03
Labeling covers, . . . . .	.03
Closing and tying, . . . . .	.04
Flying one-fly, . . . . .	.03½
Flying two-fly, . . . . .	.06

CHIMNEYS.

Papering, . . . . .	.12
Turning in, . . . . .	.05
Closing, . . . . .	.04

RUBBER SHOP CARTONS.

Papering boxes, . . . . .	.12
Papering covers, . . . . .	.11
Turning in boxes, . . . . .	.05
Turning in covers, . . . . .	.05
Topping covers, . . . . .	.08
Staying boxes, . . . . .	.06
Staying covers, . . . . .	.06
Bottoming boxes, . . . . .	.07
Closing and tying, . . . . .	.08

By agreement of the parties, this decision is to take effect from and after April 1, 1896.

By the Board,

BERNARD F. SUPPLE, *Clerk*.

Result. The decision was accepted by all concerned.

NUTTER & SEABURY—BOSTON.

The employees of Nutter & Seabury, of Boston, steamfitters, went on strike January 23, and on the 27th the Board learned that the occasion of the strike was the employment of non-union men on work at the Franklin Brewery. The firm, not being a member of the Master Steamfitters' Association, was not a party to the agreement entered into on October 24, 1895, as set forth in the Board's report for that year; but the firm had accepted and conformed to the terms of that agreement in all respects, and desired the same privileges concerning the employment of non-union men as were accorded to other employers who were members of the association.

Mr. Seabury was advised by the Board to see the Building Trades Council, and ascertain the real nature of the objections raised, and if, by joining the association, all objections would be removed, the Board recommended that the firm apply for admission to membership. The firm had no objection to making such application,

except the necessary delay, at a time when work was pressing to be done. However, the advice was acted upon, and on January 29 the Board was informed that the firm had joined the association of employers, that everything had been arranged satisfactorily, and the workmen had resumed work.

COLBURN, FULLER & CO.—MILFORD.

The following decision was rendered on April 3, 1896:—

In the matter of the joint application of Colburn, Fuller & Co., of Milford, and their employees.

PETITION FILED FEBRUARY 21, 1896. HEARINGS, FEBRUARY 27, MARCH 4.

The claim made in this case was for an increase in the wages paid for vamping on cylinder machine. After due consideration, the Board recommends that the following sums be paid for the work in question:—

	Per doz.
One-needle, two rows, silk or cotton,	\$0.30
Two-needle, two rows, silk or cotton, . . . . .	.20

In view of all the facts developed by the inquiry in this case, the Board has been led to the belief that the general conditions of the stitching room in the factory in question might be improved, with benefit to all concerned.

It is agreed by the parties that this decision shall take effect from and after February 17, 1896.

By the Board,

BERNARD F. SUPPLE, *Clerk.*

Result. The decision was accepted by all concerned.

**AMERICAN WALTHAM WATCH COMPANY—
WALTHAM.**

About the middle of March the attention of the Board was attracted to a strike of about fifty girls employed by the American Waltham Watch Company. The work of these employees was "setting-up" in the finishing department, and the difference concerned the rate of wages. The request of the girls having been refused, some of them declined to do certain work, and were discharged. Then the others left work. On the 18th the Board placed itself in communication with the strikers, and offered its services and advice, if desired. The reply was non-committal, and showed an unwillingness to discuss the matter in any public manner. On the 19th, notice was given that the factory would close on the 21st. On the same day the strike suddenly came to an end, and twenty-five of the girls applied for work.

HEBREW PAINTERS—BOSTON.

By a written notice dated April 7 and received on the next day following, the Board was informed that, on the 6th instant, occurred a strike of the Hebrew painters and decorators employed by Hebrews in Boston. Their demand was for thirty cents an hour and improved conditions. An agent of the union said:—

No one can comprehend the extent to which the Hebrew painters of this city have been crowded down. Many of them are unable to work in shops where the English language is spoken, as they only understand their mother tongue. For this reason they have not learned rapidly the customs of this country, and were ignorant for a long time of the wages paid by English-speaking employers.

Their inability to speak or understand the language of this country has been taken advantage of by the Hebrew employers. Men have been paid from \$5 a week up to \$2 a day. The latter price has, however, been the exception. In addition, men have been forced to work twelve, thirteen and fourteen hours a day for these low wages; the employer paid off when he got

ready; such a thing as a weekly pay day was for a long time unknown.

That the men were treated in such a manner was not due to incompetence is proven from the fact that when they picked up enough English to go to work elsewhere the regular union rate of wages has been paid them.

The men finally concluded that the Hebrew employer had gone about far enough with the underpay and over-work system, and a union was started some six months ago.

Through the efforts of the Board, an interview with the parties was arranged, and on April 11 Messrs. Guntner and Ryan, representing the Building Trades Council of Boston, met with eight of the Hebrew master painters, at the rooms of the State Board, and the matters in dispute were discussed; but an insurmountable obstacle was reached when the representatives of the workmen insisted that, whatever should be agreed upon, each employer must give a bond to the union for the faithful performance of his agreement. The employers had urged with force the necessity of their being allowed to pay some of their workmen the wages of an apprentice, or, to say the least, at a rate lower than would properly be paid to a thoroughly competent painter. But the giving of bonds such as were demanded was so obviously unreasonable, and

practically impossible, that it was not considered by them worth while to discuss any further the real questions at issue.

Subsequently, however, in hopes of a better result, the Board invited the parties to another conference. They came, on April 27, and the matters were fully discussed. At the suggestion of the Board, the matter of giving bonds was not longer insisted upon. One point after another was taken up and substantially settled, and it was understood and agreed that both parties should meet and draw up a formal agreement, embodying the matters already informally settled, and deposit it with the State Board.

The Board has heard nothing further from the parties.

DODGE BROTHERS—NEWBURYPORT.

On April 27 a strike occurred in the shoe factory of Dodge Brothers, at Newburyport, occasioned by the discharge of a certain workman who was supposed to be obnoxious to the firm by reason of prominence in the settlement of a recent strike.

Some attempts were made by the firm and the representatives of the union to adjust the dispute, but without result. The firm advertised for new workmen, and with some difficulty obtained them. On May 14 the Board visited the city, had an interview with the foreman of the factory, who had that day made application to the mayor for police protection; subsequently interviews were had with the joint local board, representing the strikers, and with the management of the factory, but the members of the firm were out of town and could not be seen.

The Board was informed that the work done by one of the workmen was not satisfactory, and,

even after warning given, his work was open to the same objection. Subsequently he was discharged for idleness and remaining away from the factory on a Saturday. A strike ensued, but lasted only a short time. It was further ascertained that on May 7 there was another strike, which was then going on, and most of the employees were out.

The State Board recommended a conference of the parties, to be held in the presence of the Board, the representatives of the workmen assenting to this; and later the superintendent at the factory undertook to say that the firm would accept an invitation from the State Board to attend a conference, and that meanwhile, in compliance with the request of the State Board, no new workmen would be hired. Accordingly, on May 16, a member of the firm, and the joint local board of the union, met with the State Board, at Newburyport, and the controversy was fully discussed; but no agreement was reached. Mr. Dodge firmly refused to re-employ the workman who was first discharged, but said he would re-employ as many of the old hands as were necessary to fill vacant places. The strikers, both men and women, were firmly resolved to make common cause with the workman in ques-

tion, and would not permit him to eliminate himself from the problem, and thus allow the case to be settled upon considerations of the greatest good to the greatest number.

The strike was in force, nominally, at least, all summer; very few of the former employees returned to the factory, but a sufficient number of new workmen were obtained, and when, about September 1, the strike was practically declared off, the factory was running full, and many applicants were waiting to be hired.

BRADLEY, HAGNEY & LEONARD—RANDOLPH.

The following decision was rendered on June 29, 1896:—

In the matter of the joint application of Bradley, Hagney & Leonard, of Randolph, and their employees.

PETITION FILED MAY 27, 1896.

HEARINGS, JUNE 2, 4.

The question in this case relates to the wages to be paid for lasting shoes by hand on the narrow last called in this factory “the Daisy.”

After due consideration, the Board recommends that the following prices be paid in the factory of Bradley, Hagney & Leonard:—

	Per pair.
Lasting by hand, Daisy last, cap and shellacked box, . . .	\$0.06 $\frac{1}{4}$
Lasting by hand, Daisy last, cap and hard box, . . .	.07 $\frac{1}{4}$

By the Board,

BERNARD F. SUPPLE, *Clerk.*

Result. The decision was accepted by all concerned, and, in accordance with a previous agreement, it was adopted in the other factories of Randolph, as applying to the narrow-toed last in each factory.

WILLIAM H. GIBBONS & CO.—RANDOLPH.

On May 29 the Board received a joint application signed by William H. Gibbons & Co., of Randolph, and the lasters in their employ, relative to wages to be paid for work on a narrow-toed last called in this factory "the Tokio."

At the hearing, June 2, on the application of Bradley, Hagney & Leonard, and their employees, it was agreed that the decision upon that application should be the decision in this case also. See that case.

RICHARDS & BRENNAN — RANDOLPH.

The Board received, on May 29, a joint application signed by Richards & Brennan, of Randolph, and the lasters in their employ, relative to wages to be paid for work on a narrow-toed last called "the Imperial."

At the hearing, June 2, on the application of Bradley, Hagney & Leonard, and their employees, it was agreed that the decision upon that application should be the decision in this case also. See that case.

BRYANT BOOT AND SHOE COMPANY — RANDOLPH.

A joint application, signed by the Bryant Boot and Shoe Company, of Randolph, and the lasters employed by them, was received May 29, and presented questions concerning the wages to be paid for work on a narrow-toed last called "the Razor."

At the hearing, June 2, on the application of Bradley, Hagney & Leonard and their employees, it was agreed that the decision upon that application should be the decision in this case also. See that case.

GINN & CO. — CAMBRIDGE.

On June 12 a number of the men employed in the bookbindery of Ginn & Co., at Cambridge, struck. New men were employed, with a view of steady work and protection. Some days later the bookbinders' union presented five demands as a basis for settlement. The firm replied, but no agreement being effected, the pressmen and compositors also left their work. Several conferences were had, but without result, and more new workmen were hired.

On July 6 the firm published the following statement:—

About the 12th of June, thirty-one out of two hundred and two employees in our bindery quit work. Binderies are arranged in such a way that we had to fill the places of these men or throw out of employment the other one hundred and seventy-one. We therefore engaged new hands, promising them steady work and protection. Some days later, the union presented five demands as a basis for a settlement of the strike. Our reply to the representative of the union was as follows:—

We were glad to have an opportunity to meet you this morning and to hear everything which you wished to say

with reference to the strike of some of our employees, and we hasten to reply specifically, as you requested, on the five points that you left for our consideration.

First, you ask that we agree to pay stampers eighteen dollars a week. We are perfectly willing to pay competent stampers these wages, or more, and, in fact, are doing so at present, we believe, so that there is no issue at all respecting wages.

Second, you ask that we employ only one apprentice in the stamping department at a time, and require him to work four years as an apprentice. We hardly feel that we ought to agree to this, since it might be impossible at some time to secure the necessary number of experienced workmen, and such an agreement would make it impossible for us to train new men for immediate needs. Can you guarantee that we could always obtain enough experienced workmen?

Third, you ask that, in the case of men who work out of regular hours, we should pay one and a half times as much for the overtime as we should pay for the same amount of work during regular hours. This is, we believe, our regular rule, and has been right along. Of course, we have no objection to doing so.

Fourth, you ask us to agree to employ none but union men in the stamping room. There seems to be but one way for us to reply. We have no quarrel whatever with any labor organization. Our men are perfectly free to join any union or society they see fit to join. We only ask that they do their work well. On the other hand, we do not think it would be right for us to compel employees who wish to be perfectly independent to join any organization or society. It seems to us that we should be fairly open to the charge of coercing our employees. In short, it seems to us that such an agreement would compel us to be unjust and tyrannical.

Fifth, in particular, you ask us to agree to discharge a workman named Mr. Apel, who withdrew a while ago from the union, and we understood you to say distinctly that you

thought the union would be more disposed to concede the other points, or some of them, than to withdraw this demand. Mr. Apel, so far as we can learn, has been a faithful and efficient workman. He has aged parents to support, and it is evident that, if your union has sufficient strength to compel us to discharge a man of whom we have no occasion to complain, it would also be strong enough to prevent his employment in other offices. We feel bound to protect this and all other faithful employees, and we could not excuse ourselves for, without any just cause, depriving him and those dependent upon him of daily bread.

After this the unions of the pressmen and the typesetters took up the matter, being bound by their rules, they said, to support the striking bookbinders. They demanded that the latter should be taken back in a body. We replied that we would take back as many as we could possibly find places for, but that to take them all back would compel us to discharge men to whom we had promised permanent places. This was the cause of the strike of our typesetters and pressmen. No question whatever of wages or hours was raised.

GINN & Co.

This statement of the case was replied to by the representatives of the workmen, but no definite step was taken towards a settlement, until by invitation from the State Board the members of the firm met the officers of the Typographical Union and the Bookbinders' Union at the rooms of the Board, on July 8 and 9. At these two meetings the matters in dispute were thoroughly

and intelligently discussed by all parties. At the end it appeared that the only serious obstacle was the question of retaining the men who had been hired since the beginning of the strike. At times there seemed to be reason to expect that this difficulty might be overcome without sacrifice of honor by the employers, but the last meeting finally broke up in the afternoon without agreement. Shortly after the adjournment of the Board, a renewal of the discussion was suggested by one of the firm, and, the Board having separated, the parties interested went to the office of the firm, near by, and soon came to an amicable understanding. Both the firm and the representatives of the unions expressed their appreciation of the services of the Board in the case.

BRADLEY, HAGNEY & LEONARD—RANDOLPH.

In July last, Chase lasting machines were introduced into the factory of Bradley, Hagney & Leonard, of Randolph, but the union lasters who were then employed in the factory refused to work on the machines except at prices specified and demanded by them. The firm refused, the lasters struck, and new men were promptly furnished by the machine company.

As the controversy developed, it appeared to be a contest between the Boot and Shoe Workers' Union on the one side and the machine company and its men on the other. When the Board entered into communication with the parties, the firm expressed themselves as willing to do anything in reason towards adjusting matters, and the leading officers of the Boot and Shoe Workers' Union were informed in a general way how, in the opinion of the Board, the difficulty might be settled. It was, however, subsequently learned that the striking workmen would not consider any suggestion that did not include the discharge of non-union men; and, as the Board

knew that the firm would not yield the point, nothing further was attempted in the way of settlement.

Some weeks afterwards, about the middle of November, the strike was declared off. The firm consented to take back as many of the men as were needed to fill vacancies, and, at the time of writing this report, about one-half of those who struck have been reinstated. All this might have been accomplished a month earlier, through the agency of the State Board, if the workmen or their local representatives had seen fit to co-operate to that end.

BOSTON BREWERS.

In the latter part of June the employees of the Boston breweries, through their unions, representing some three thousand employees, after much deliberation requested the master brewers to sign with them an agreement which, among other things, provided for the employment of union men only, for a uniform number of hours of work and a uniform scale of wages. Many other matters of detail were embodied in the proposed agreement, and the proposition, being favored by the Central Labor Union and the Building Trades Council, was taken under consideration by the master brewers' association.

Several meetings were had by committees, but, no conclusion being reached, the workmen placed the care of their interests in the hands of the Central Labor Union. At length, on or about September 18, an agreement was perfected which received the signatures of most, if not all, of the persons and corporations engaged in the business of brewing in Boston.

This Board had no hand in the business, but the agreement is printed below, because it is worthy of notice that during the negotiations a claim was inserted which provides for arbitration as a means of settling differences, so long as the agreement shall remain in force.

None but members of the National Brewery Workmen's Union shall be employed.

Ten in twelve consecutive hours shall constitute a day's work, two hours being allowed for meals.

When required to work overtime, the pay shall be 35 cents per hour. No man shall refuse to work overtime.

Sunday work shall be entirely suspended unless absolutely necessary, and in case of such necessity 35 cents per hour shall be allowed for each hour and fraction thereof, except to drivers or strikers, who shall clean their horses in the morning without extra allowance; also one of them alternately shall help the stableman to feed and bed the horses in the afternoon, without extra pay. Harnesses and wagons shall be cleaned once in seven days, but all Sunday work shall cease at 9 A.M.

On legal holidays and election days work shall be paid for at the rate of 35 cents per hour, unless a full day's work is done, in which case regular rates shall be paid.

No overtime shall be allowed to route drivers and strikers except when required to do other than their regular work during such overtime.

Scale of wages: First man in cellar, \$18 per week;

first man in fermenting room, \$18; first man in kettle department, \$18; first man in wash house, \$18; floor men in ale and porter department, \$17; men in cellar and fermenting room, \$16; men in kettle department, \$16; men in wash house, \$15; night watchman (seven nights per week), \$16; route drivers, \$17; depot drivers, \$16; strikers (drivers' helpers), \$13; first man in stable (seven days), \$17; night man in stable (seven nights), \$17; firemen, working seven days or seven nights, \$16; other men in stable, \$14.

Firemen, where two or more are employed, shall work seven days or nights each week, eight hours to be a day's work, all firemen to alternate. Overtime to be 35 cents per hour.

Pay days shall be weekly.

One man in the cellar, one man in the kettle department, one man in the fermenting room, one man in the wash house, shall be considered as first man where three or more men, including the foreman, are employed in any of these departments, and shall receive pay accordingly.

Beer shall be furnished to men free of charge, as formerly.

In case of prolonged sickness of any employee he shall be entitled to the first chance of employment in his former capacity after regaining his health.

Employees shall be discharged only for cause, such as incompetency, drunkenness, negligence, dishonesty, disobedience or disrespect toward employers, foreman or the authorized agents of the employers.

In case of slack business, as many men as necessary may be laid off alternately, not longer than one week at a time, all men taking their turn except the first man of each department.

Extra help employed during the busy season shall not be considered as regular employees, and shall be entitled to temporary employment only.

Each workman shall have the right to board and live where he chooses, and no help shall be hired on the recommendation of customers.

One apprentice shall be allowed for every twenty-five inside employees; such apprentice shall be instructed for two years in all branches of the trade, and shall then become a member of the union, after having passed a satisfactory examination before the same; no apprentice shall work longer than this agreement stipulates; the apprentice shall not be less than sixteen nor more than twenty years of age.

Extra work done in and around the breweries shall only be performed by union men.

Services done by the employees in the interest of and for the benefit of the union shall not be cause for discrimination or discharge.

No inside man shall be allowed to take the place of a teamster, striker or stableman, and *vice versa*; trip strikers shall be engaged by the day.

Grievances or differences between employers and employees, if they cannot be adjusted between a committee of the employees and the employer, shall be laid before an arbitration committee consisting of five members, two of whom shall be appointed by the employer, two by the employees, and the fifth by the four men so appointed; or the case may be submitted, by mutual consent, to the State Board of Arbitration, and both the employer and employees shall abide by the decision of said committee or State Board of Arbitration.

This contract is to remain in force until April 1, 1898, and to continue annually, unless notice has been given three months before the first of April in each year by either party.

No present wages shall be reduced.

ROCKPORT GRANITE COMPANY — GLOUCESTER.

In July last the workmen employed by the Rockport Granite Company, at Bay View, struck for higher wages for cutting paving blocks. On the 24th the Board entered into communication with the workmen, and with the general manager of the company. The former expressed regret that they had not thought of appealing to the Board sooner, but said that there was a prospect of immediate settlement. Three days later, word was received from the manager that the strike had been settled on the terms offered by him some time before, and that some of the workmen had returned to work.

**WALKER & PRATT MANUFACTURING COMPANY—
BOSTON.**

On July 23 complaint was received from the steamfitters employed by the Walker & Pratt Manufacturing Company, alleging the hiring of a non-union "helper," contrary to the rules adopted for "steam fitters and helpers," and contrary to the terms of the agreement entered into on October 24, 1895, as set forth in the last annual report of this Board. On the 27th the employer and the agent of the workmen met the Board, by appointment. The employer urged that, the workman in question being a "helper," and not a steamfitter, the agreement referred to did not apply to him. It appeared, however, that in all the shops of the Master Steam Fitters' Association were posted "Rules for Steam Fitters and Helpers" signed by the president and the secretary of the association, from which fact it was argued by the workmen that the evident intention of the association was to include the helpers in the agreement.

Article III. of the agreement was as follows:—

That, in hiring steam fitters in the future, members of the Boston Steam Fitters' Union shall be given the preference, when of equal capacity and skill.

The Board was asked to put a construction upon this article. After discussing the matter informally, the Board, in view of the delicate nature of the questions raised, advised that an application in regular form be made up and filed, and that efforts be made to have the subject acted upon by the association and the union. Accordingly an application from the agent of the steamfitters' union was filed, and notice thereof was sent to the association. At length, on August 14, the employer, the agent of the union and the president of the association met the Board, and the questions in dispute were thoroughly discussed. It was agreed by all that the helpers ought to be and were in fact considered as on the same footing, under the rules, as the steamfitters; but as the Board hesitated, under the circumstances, to put a construction upon a clause which had been agreed to by the association and the union, it was finally recommended, as the most proper course to be adopted, in view of the rights of persons not represented, that the agent of the union should present the matter of his complaint directly to the association, and

request a conference with a committee of the association, for the purpose of settling a matter of mutual concern. The Board said that, in case no result should be obtained in this manner, the matter might be brought to the Board's attention again. This course met with the approval of the parties, and a short time afterwards the objection was removed, and the controversy settled to the satisfaction of all concerned.

H. B. REED — WEYMOUTH.

The stitchers employed by H. B. Reed, at South Weymouth, struck on July 27 against a new price list introduced by the employer. A few days later a representative of organized labor in Brockton, acting in behalf of the strikers, called to see the Board and asked for information concerning the Board's mode of procedure, and subsequently the employer called and made similar inquiries. Both parties obtained the desired information, and on August 3 the stitchers returned to work, pending an attempt at a settlement. The negotiations were greatly prolonged by reason of the employer's desire to establish an agreement with all his employees, under which all questions which might arise in the future should be referred to the decision of the State Board, if the parties were unable to agree to a settlement by themselves. While this report has been in preparation, information has been received that the question of stitching prices has been settled, with an agreement like that outlined above, signed by the representatives of all hands except the lasters.

FITCHBURG RAILROAD COMPANY—BOSTON.

By an application filed July 3, and emanating from the freight handlers employed by the Fitchburg Railroad Company in Boston, the Board was informed that there was a controversy between employer and employees, and was requested to investigate the following grievances:—

1. The employees are frequently required to work from noon till midnight, without an opportunity to eat.
2. Leave of absence is never granted, for any reason.
3. Employees have been and still are discharged for making necessary visits to the management of the road.
4. Men are frequently discharged without any cause.
5. No organization of the men, and no authorized agent, have been recognized by the employer.

After the usual evidence of agency had been received, the Board called upon the general manager and laid before him in detail the several matters complained of, and subsequently furnished him with a copy of the application. At the request of the Board, he said that he would look into the matter and communicate later with the Board. On the 13th an oral communication was

received from him, which was in substance that the men were allowed time for supper, when working at night after 8 o'clock, on the company's time, fifteen minutes each; that on June 27 there was an exception: seven gangs came together and demanded supper on company's time, at 7.15 o'clock P. M. The day ends at 7 o'clock. Six of the gangs were induced to return to work and finish loading the train that was nearly ready to start out. The remaining gang decided to go home, and tried to induce the others to go home also. It was expected that all work would be completed by 8 o'clock; none of the foremen went to supper, because they were anxious to get the work done, and avoid overtime work. None of the men were compelled to work after hours. If they did so, they did it voluntarily, and were paid for it. As the men who went home were not employed afterwards, this was thought to be the immediate occasion of the application to the Board. The substance of the interview with the general manager and of his oral communication was reported to a committee of four, representing the workmen and all members of the discharged gang.

The accuracy of the statements made by the manager were in some respects denied, but they

all agreed in saying, in response to the Board's questions, that, if the discharged men could be re-employed, there would be no occasion to proceed further with the matter. The Board thereupon undertook to make its best endeavors to that end, and, after two visits made when the general manager was out of town, an interview was at last obtained, in which the re-hiring of the men was urged as strongly as the circumstances would permit. It was, however, of no avail, because the manager said that, in the first place, work was slack, and he was more inclined to discharge some of the men he had than to employ more; and, second, that the policy of the corporation was opposed to the recognition of the American Railway Union, or the employment of any of its members. This position was adhered to throughout the conversation, and was of necessity decisive of the question of re-hiring the discharged men.

WYMAN RESTAURANTS—BOSTON.

On August 13 the waiters employed by Charles P. Wyman, on Spring Lane and Washington Street, and in other places in Boston, struck for an increase in the rate of wages, and for a shorter working day. The strikers were sustained by the Boston Waiters' Alliance. On the 18th the Board received from the president of the alliance a formal written notice of the strike, and a request for an investigation by the Board. The Board sought and obtained interviews with the proprietors of the restaurants involved, and learned from Charles P. Wyman that he had all the help he needed, and would not take back the old employees, and had nothing to arbitrate upon. At the place of business on Causeway Street the Board was informed that the restaurant belonged to G. S. Wyman & Co., that there had been no strike and no trouble whatever.

The result of these inquiries was given to the president of the alliance, who said that the Boston Central Labor Union had taken up

the matter of the several controversies in the Wyman restaurants, so called, and that that body was considering the advisability of asking further proceedings by the State Board; but nothing more was heard by the Board.

HOISTING & PORTABLE ENGINEERS—BOSTON.

On May 4 occurred a general strike of the hoisting and portable engineers of Boston, based upon a demand for an eight-hour day, without reduction of wages, and the employment of none but union men. New men were employed, and the agitation was kept up through the newspapers and by other means. In the latter part of June it was thought that the State Board might be able to bring the parties most interested to agree to a conference, and thus dispose of a constant source of annoyance to all concerned.

The action of the Board in this difficult undertaking is sufficiently set forth in the following report, which was given to the public on September 4:—

*In the matter of the strike of Hoisting and Portable Engineers,
Boston.*

On the twenty-ninth day of June this Board received formal notice in writing that a strike had occurred in Boston on May 4, 1896, involving Woodbury & Leighton, McNeil Brothers, Soule & Son, Clark & Whitney,

and other builders, and those lately employed by them as hoisting and portable engineers. This Board, at the time of said notification, was requested to put itself in communication with the employers and the employees involved, and endeavor by mediation to effect an amicable settlement between them; "and if the Board deems it advisable, investigate the cause or causes of said controversy, and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same."

Acting in response to the above request, this Board entered into communication with the Mason Builders' Association, of which the employers most directly concerned were members, and proposed a conference with the engineers or their representatives. This suggestion was not favorably received by the employers, who said, through their secretary, that the association "has done all that possibly can be expected of it, and, as it can see no possible way of any change in its position, it does not consider it advisable to enter into the conference suggested."

The Board having been credibly informed that the employers were averse to recognizing any union which was subject to the control of the Building Trades Council, it was next attempted by a committee of that council to obtain an interview with the Master Builders' Association, for the purpose of discussing the obstacles in the way, and with a desire to do all in their power to remove any such obstacles. This method of procedure was approved by this Board, for the reason that the Master Builders' Association appears to hold, with reference to employers in the building trades, a position somewhat analogous to that held by the Building Trades Council

towards the various artisans employed in those trades; and it seemed reasonable to expect that, if these two representative bodies would meet and confer through their respective committees, not only might the case of the engineers be settled, but an agreement might be arrived at respecting matters of general concern to all the workmen, and thus, for the future, strikes and lock-outs be averted, at least to a considerable extent.

The Master Builders' Association did not reply promptly to the request of the Building Trades Council; but after much delay a letter was received from the secretary of the association, dated July 17, and stating that, at a meeting held two days before, after prolonged discussion, it was voted not to appoint delegates to such a committee of conference.

All attempts to establish new and better relations for the future between employers and employed in the building trades having failed, the Board was requested by the hoisting and portable engineers and their friends to give a public hearing in their particular case, and to pass judgment upon the facts as they might be disclosed in evidence; and, as a further reason for so doing, it was represented that a general strike of the building trades of Boston was threatened and seemed likely to occur. Accordingly, the usual notice was given in the daily papers of Boston, of a hearing to be held at the State House on August 5, and at the time and place appointed the Board was addressed by representatives of the several building trades, including the engineers, and by representatives of the Central Labor Union of Boston. Isaac F. Woodbury appeared as representing the Mason Builders' Association, and took part in the discussion, but no other of the em-

ployers interested offered any suggestion or made any statement to the Board.*

It appeared from the testimony at the hearing that the unions of the building trades of Boston were heartily in favor of establishing such relations with their employers that, instead of resorting to strikes and lockouts, all differences which might arise should be discussed amicably, and, in case of failure to agree, should be referred to the State Board of Arbitration, or some other board of arbitration to be established by agreement of the parties concerned. It appeared also that, when a committee of the hoisting and portable engineers called upon and met the committee of the Mason Builders' Association, a printed agreement was set before the workmen, with a request that they should first sign the paper in behalf of themselves and those whom they represented. They hesitated about doing this, and said that it seemed to them the better course to discuss what they had met to talk about, before signing anything; and, in any event, their authority as a committee was not sufficient to warrant them in signing the paper presented. This ended the interview, for the employers positively refused to discuss any questions at issue without the preliminary of signing. Thereupon the Central Labor Union of Boston took up the cause of the engineers, and made an unsuccessful effort to obtain a conference between the engineers and the Mason Builders. Then followed, as has already been

* A question having been raised as to the accuracy of this statement, it is proper to state here that, according to the stenographer's report, Mr. Woodbury said, "I represent Woodbury & Leighton, McNeil Brothers, Soule & Son, C. Everett Clark & Co., and also other builders who are members of the Mason Builders' Association."

stated, the attempts of the Building Trades Council and the State Board,—all without practical results.

Owing to the course of affairs, and the fact that the workmen struck without first applying to the State Board, under the law, it is unnecessary for the Board now to express any opinion concerning the reasonableness or unreasonableness of the demands made by the engineers, for the enforcement of which they went on the strike. Under the circumstances of this case, all that this Board can now do is to report the conclusions as to which party to this controversy “is mainly responsible or blameworthy for the existence or continuance of the same.”

First. — The Board regrets that it was deemed necessary to resort to the strike in the first instance, for it is reasonable to suppose that all the later attempts of the Central Labor Union, the Building Trades Council and the State Board to further some reasonable scheme of arbitration could have been entered upon with more hope of success if there had been no strike on hand to embarrass all concerned.

Second. — The Board is of the opinion that, when the representatives of the hoisting and portable engineers had met their employers, it was unwise, if not unreasonable, for the employers to refuse to talk with them about grievances or supposed grievances, unless they should first accept and adopt without discussion a certain plan devised by the employers for the settlement of all differences. This opinion is formed without any reference to the merits of the proposed plan, or the validity of the workmen's objections to it. On these points the Board expresses no opinion.

Third. — It appeared at the hearing that the mason

builders are all either members of the Master Builders' Association or closely allied with that corporation. It therefore seems to this Board that it was a proper and commendable thing for the Building Trades Council to undertake to confer with the larger body of employers in the trades, with a view to settling the grievances of the engineers, and at the same time to make such an agreement for the future as would assure more stable relations between employer and employed. Consequently the Board regrets that the Master Builders' Association declined to meet the council for the purposes suggested, and it is to be hoped that the members of that association, in view of the public and private interests involved, will yet reconsider their position, which, if persisted in, may weigh heavily against all reasonable and impartial attempts in the future to solve the labor question fairly to all concerned.

By the Board,

BERNARD F. SUPPLE, *Clerk.*

Result. The hope so mildly expressed by the Board that the Master Builders' Association would reconsider their position and co-operate to bring about a settlement of the difficulty, was not fulfilled by any action of that body. One thing, however, may be noted: after the report of the State Board was published, the agitation of the strike on the part of the workmen and the unions ceased, and the public was subjected to no more annoyance by reason of it.

JOHN O'CONNELL & SONS — MARLBOROUGH.

Among the Marlborough applications, filed January 22, 1896, was one relating to reductions made in the factory of John O'Connell & Sons. On September 4 the Board received a letter from the agents of the "Boot and Shoe Workers' Joint Council," in Marlborough, stating that they had been unable to settle prices with the firm, and asking the Board to take up the application and proceed to a decision. A few days later the same agents filed, at the request of the Board, a list of eight items which they claimed to be still unsettled.

After an unsuccessful attempt to arrange a meeting at Marlborough, an interview was had with a member of the firm, in Boston. The point was taken, that the application filed January 22 was no longer in force, and bound no one, for the reason that everything that was in dispute at the above date had been settled. It was stated, further, that the firm had received from the agents of the union a list of prices desired for the work represented by the eight

items in the list filed with the Board. The firm replied that the prices asked for would not be paid, but that a list would be submitted to them by the firm, and if not satisfactory to the workmen, the firm would pay by the day for the work covered by the disputed items. Such a list was prepared, but was not acceptable to the workmen, and thereafter the work was paid for at day prices.

These statements were not controverted by anyone, and therefore the Board answered that there being grave doubts, to say the least, whether any action could be legally taken against the objection of the firm, under the application already filed, the Board was of the opinion that, if the employees had any matters in dispute with the firm, such matters should properly be presented in the form of a new application, containing a list of items, and stating distinctly what was desired. The Board heard nothing further of the matter.

STRIKE OF SAILMAKERS—BOSTON.

On September 25 there was a strike of the sailmakers of Boston for a nine-hour day, without reduction of wages. The employers objected that the condition of business would not warrant what was, in effect, a demand for increased wages, but some of them at least were disposed to agree to a nine-hour day, with a proportional reduction of wages. On the 30th the Board entered into communication with the employers and workmen, and found that the former were not organized, but were intending shortly to effect an organization with which to meet the attacks of the strikers.

The Board's offer of mediation was accepted by the strikers, so far as to agree to meet the employers in conference with the State Board, for a settlement. The employers were not willing to say, in advance of receiving an invitation to a conference, whether they would accept it, or not. Accordingly, on October 9, the Board invited both parties to meet the Board for a conference on the 13th instant, "provided a settlement shall not have been reached before that time."

At the time appointed a committee representing the striking workmen appeared, but a letter was at the same time received from the Master Sailmakers' Association, saying that, while they had no question in regard to the good intentions of the Board in the matter, they "must respectfully decline to attend said conference." This action on the part of the employers was undoubtedly influenced by the fact that the strike of sailmakers in Gloucester had ended in failure. The Boston strike soon died out. In fact, the Board heard nothing more about it after the attempt at a conference.

STRIKE OF SAILMAKERS—GLOUCESTER.

The sailmakers of Gloucester struck, on September 28, stating their grievances as follows: "That there shall be no monthly men employed in any loft; that there shall be but two apprentices in a loft, and that their time shall be three years; that nine hours shall constitute a day's work and \$3 a day's pay; that 35 cents shall be paid for all overtime, including legal holidays; that we shall make rules and sign petitions, one week after this petition is signed, to go into effect; that we, the journeymen of Gloucester, refuse to work in a loft where these rules are not observed."

The first result of the agitation was the formation of a master sailmakers' association by the employers, and at a meeting it was voted that, in view of the depressed condition of business, it was necessary to adhere to the rate of wages then paid, that is, 30 cents per hour. It was also voted that nine hours should be considered a day's work, to be paid for at the above rate, overtime to be paid for at the same rate.

An interview was had with the workmen at Gloucester, on October 6; and, in reply to a question, they said that they would accept an invitation to a conference with the employers and the State Board, if such a conference could be arranged. Two days later, interviews were had with some of the employers, relative to a conference, but the strike was then breaking up and the men returning to work; consequently nothing was done by the Board, and the strike came to an end on the following day.

GREGORY, SHAW & CO.—SOUTH FRAMINGHAM.

On or about September 22 the firm of Gregory, Shaw & Co., of South Framingham, shoe manufacturers, exhibited to their employees a revised and reduced price list, which it was intended to put in force on November 1 following. Four days later the executive board of the union returned the list to the superintendent, saying that they could not accept the proposed list, but would be willing to sit down with him and make up a new list to be agreed to. No reply was made to this. On October 26, the executive board wrote a letter to the firm, saying, among other things, that they were still ready to join in making up a fair list of prices, or they would agree to submit the case jointly to the State Board. In the answer which was received no notice was taken of the above suggestion or offer.

In the latter part of October, notice was given by the superintendent that on Saturday, the 31st, the factory would shut down for repairs, and would be re-opened on November 5. However,

on the day next preceding the appointed time for resuming work, the employees voted not to accept the new schedule of wages, and practically all the employees remained away from the factory. The firm then advertised for new employees.

By a letter dated November 10, and received on the following day, the selectmen of Framingham, acting in accordance with chapter 269, Acts of 1887, section 5, notified the State Board "that differences exist between the firm of Gregory, Shaw & Co., of Framingham, and their employees, and that said employees are at present idle." In response to this notification, the Board visited South Framingham, on the 13th, and met successively the superintendent of the factory and a committee of the workmen. It was learned that all but about thirty or forty of the employees were out, and, although a few new ones had been engaged, not much was being done in the factory.

The superintendent said that the reduced list had been prepared with care, and in view of what the firm could afford to pay, not bringing the prices down to the basis of their most active competitors, but recognizing the fact that their immediate neighbors, although not competitors

of theirs to any extent, were paying higher prices than their real competitors, who were more remote. In view of these facts, he said that the firm could not consent to submit the wage list to arbitration; that the factory was open to any one who might apply for work, and there would be no discrimination against the old employees.

The workmen were found equally firm in their determination not to yield to any arbitrary list made up by the firm, without, as they thought, allowing the employees sufficient consideration. They thought also that their willingness to submit to arbitration and the refusal of the firm should count in favor of the workmen. Under this state of facts the Board could do nothing but wait for such a change of feeling on one side or the other as seemed likely to come in the course of time.

The Board has communicated with the parties, from time to time, either directly or indirectly; but, at the time of writing this report, no material change has manifested itself in the attitude of the parties towards each other.

WEST END STREET RAILWAY COMPANY—BOSTON.

On December 24 occurred a noteworthy strike on the part of employees of the West End Street Railway Company, in Boston. The facts and grievances are so fully set forth in the statements published by the respective parties, that not much in the way of comment will be necessary.

On December 1 M. L. Young, president of the conductors', drivers' and motormen's union, presented to the corporation, for consideration, a proposed agreement, which was as follows:—

ARTICLE 1.

All revenue work in car service shall be described as regular cars, extra cars and special (or chartered) cars.

ARTICLE 2.

No more than ten (10) hours' work to be performed within twelve (12) consecutive hours will be exacted from conductors, drivers or motormen in any one day, except as provided by law.

All time to be calculated from the time they report for duty until relieved or car put up and accounts deposited. . . . :

ARTICLE 3.

All work done by regular men shall be laid out on the basis of ten (10) hours' work, to be done in not more than twelve (12) consecutive hours, and men shall be paid at the rate of two dollars and fifty cents (\$2.50 *) per day for all work as described in article 2.

In all cases wherein the work of regular men, owing to accident or unavoidable delay, exceeds ten (10) hours, such overtime shall be paid at the rate of thirty (30) cents per hour, in addition to the amounts above provided, as follows:—

For ten (10) minutes or less, five (5) cents.

For over ten (10) minutes and less than twenty-one (21) minutes, ten (10) cents.

Men doing full schedule work, which shall not exceed seven and one-half (7½) hours, on regular night cars, shall receive two dollars and fifty cents (\$2.50).

Extra cars shall be paid at the rate thirty (30) cents per hour, any fraction of one-half hour to be called one-half hour. Any work done in five consecutive hours to be paid one dollar and twenty-five cents (\$1.25).

ARTICLE 4.

All special (chartered) cars starting previous to ten (10) P.M. to be paid at the rate of thirty (30) cents per hour. Conductors, drivers and motormen of such cars starting between ten (10) P.M. and five (5) A.M. shall be paid one dollar (\$1) for the first two (2) hours or fraction thereof, and at the rate of fifty (50) cents per hour thereafter.

* This demand was soon changed to \$2.25.

ARTICLE 5.

All men on cars starting before three (3) P.M. who report within one hour after their car has gone out shall be placed at the foot of the extra list for that day only. On cars starting after three (3) P.M. such men shall be placed at the foot of the extra list for the balance of that day and also for the following day; and in either case shall be charged with a tardy report, and for the fourth tardy report they shall be charged with a miss.

Three subsequent misses shall be treated in a like manner; but for the fifth within one year (said year to begin January 1) he shall have the standing only of a new man employed by the company, beginning at the bottom of the extra list.

A division superintendent may, within his discretion, accept an excuse from an employee for the first or any subsequent miss.

When conductors, drivers or motormen are placed at the foot of the extra list for missing, as provided in this article, they shall report (at the station to which they have been ordered) each day while so rated at seven (7) A.M. roll-call and remain until six (6) P.M., unless detailed or excused. Each failure to do so will be called a miss, and will entail an additional day at the foot of the list.

ARTICLE 6.

All extra conductors, drivers and motormen shall report each day at seven (7) A.M. roll-call at the station to which they are regularly assigned for work, and remain there until six (6) P.M., unless previously detailed or excused. Failure to do so will place the offender at the foot of the extra list for one day.

Extra men will find it to their advantage to report before seven (7) A.M. roll-call, and men so reporting after five (5) A.M. shall be listed and receive work in rotation as they report, holding such position only until seven (7) A.M., after which time each man will take his regular position on the list.

The division superintendent may detail in rotation extra men to report at any station prior to seven (7) A.M. Men especially detailed for early work shall have precedence for work given out before seven (7) A.M.

Failure to report on time will subject the offender to the same penalty as provided for extra men missing at seven (7) A.M. roll-call.

Work to be given out to the extra men on the following plan:—

When there is but one central station or headquarters for the assignment of extra men in a division, the man longest in service in that division shall be the first man on the list, and shall be assigned to the first vacancy occurring each day, unless already detailed or excused.

When there is more than one central station or headquarters for the assignment of extra men in a division, men shall be rated by stations, at each of which the man longest in service in that division shall be the first man on the list, and shall be assigned to the first vacancy occurring each day at that station, unless already detailed or excused.

All extra men shall be allowed to exchange cars or places on the list at each station, holding such place of men exchanged with until change of time, when each man shall receive his rating at station according to length of service in the division.

Extra men shall retain their position or rating on the list when returning from any forenoon detail, said position or rating to cease, if also assigned to work on the afternoon list or detail. With this exception, work given out to extra men at any time of day shall be according to rating.

All early reporting men shall be paid for time held at station previous to seven (7) A.M. roll call, unless detailed for work.

ARTICLE 7.

Conductors, drivers and motormen of all cars reporting at or before five-thirty (5.30) A.M. to have not less than one-half hour for breakfast, and these and all other conductors, drivers and motormen to have at least one hour and thirty minutes for dinner; and said time to be allowed as near the middle of the day's work as possible. And that no conductor, driver or motorman be required to work more than six (6) consecutive hours without such meal time being allowed.

ARTICLE 8.

Regular men having no Sunday time and are compelled to report shall be paid for the time held at station.

ARTICLE 9.

When, in any division, there is a regular car to be given away, arising directly or indirectly from resignation or discharge, the regular man who has been longest in the service of the company in that division shall have the preference in making application for such car.

All cars shall be advertised on the list at least three days before they are given away.

When necessary to re-rate the men at one or more stations, they shall be re-rated at those stations only, the car getting through first according to schedule to be given to the man at those stations who has been longest in the service in that division.

Regular cars to be given away, arising from change of time tables, shall be given to the extra men, beginning at the head of the extra list; but when regular cars are lost by change of time, the men displaced shall have the place on the extra list to which they are entitled by their rating.

When a line of cars is transferred from one division to another, the men running such cars shall, if they desire, also be transferred, and shall retain their cars until a change of time, or new rating, when they and all other men in that division shall receive their rating from the time hired with the company. Any man losing his regular car through change of time shall have the right to ask for any car to be given away in that division.

This article is subject to the provision that no man shall be assigned to service upon an electric car unless, in the judgment of the division superintendent, he is competent for such service.

ARTICLE 10.

No conductor, driver or motorman shall be compelled to work more than two (2) weeks without having a day off, if he desires it.

Regular men or extra men, when assigned for work, desiring to be excused, must notify the official in charge of the station from which they run, or at the office of the superintendent (as he may direct), at or before

two (2) P.M. on the day preceding the day they desire to be excused.

Men asking to be off, having failed to give notice on the previous day, if excused, shall forfeit, to the man taking their places, all pay for the trips they have run when the same do not constitute half of the work on that car for the day.

ARTICLE 11.

If, under pressure of necessity, a division superintendent decides it to be expedient to run extra trips, he may call upon regular men for such duty; but a record of such extra work shall be kept, and such work shall be distributed, as nearly as possible, from time to time, among all the regular men in that division, so that they may be called upon to do no more than their fair share of extra work of this nature.

Regular men, when called upon to do such extra work, shall be paid at the rate of thirty (30) cents per hour. No single trip of this kind to be run at less than fifty (50) cents. Regular men so reporting shall receive not less than fifty (50) cents, whether the trip be run or not.

When necessary to loan men from one division to another, they shall be taken from the bottom of the extra list, and shall receive for each day so detailed not less than one dollar (\$1), but shall not take precedence over the extra men in the division to which they have been loaned.

ARTICLE 12.

On all lines, when the running time is less than one (1) hour and forty (40) minutes per round trip, Sunday regular work will be laid out on a basis of nine (9) hours

in eleven (11), not to exceed nine and one-half ($9\frac{1}{2}$) in eleven and one-half ($11\frac{1}{2}$) consecutive hours.

Time worked over eight and one-half ($8\frac{1}{2}$) hours on Sundays, on regular and extra cars, to be paid for as overtime.

The full number of men running regular week-day cars to be considered in the order of their rating when making assignments to regular cars on Sundays; and if fewer cars are run, the men dropped are not required to work unless they desire to, and in that case shall go to the bottom of the extra list.

Regular men having no Sunday time shall not have preference over extra men for Sunday work.

All Sunday work on regular cars shall be paid for at the rate of two dollars and fifty cents (\$2.50)* per day.

All provisions for Sunday work and pay shall also apply to all State and national holidays.

ARTICLE 13.

No employee's position as conductor, driver or motorman will be kept for him longer than thirty (30) days: provided, however, that, if he is sick, the conductor, driver or motorman rating next below him at that station shall be advanced one car, the final vacancy thus created to be filled from the head of the extra list, and the original rating shall be restored upon his return to car service.

If he is otherwise employed by the company, the car shall be advertised after the expiration of thirty (30) days, and given away, subject to being restored to the man upon his return to car service.

* This demand was soon changed to \$2.25.

ARTICLE 14.

When working on snow plows, or levellers the rates of pay shall be as follows:—

Drivers of six (6) horse teams shall receive forty-five (45) cents per hour.

Drivers of four (4) horse teams shall receive forty (40) cents per hour.

Motormen on electric plows shall receive forty (40) cents per hour.

Conductors, drivers and motormen not working on cars shall have the preference in snow work, other than above named, and shall be paid thirty-five (35) cents per hour, counting from the time they report at the station until they are excused.

ARTICLE 15.

Men shall be furnished when necessary to carry the pole in four (4) horse time.

ARTICLE 16.

Conductors, drivers and motormen shall at all times while on duty wear a full regulation suit and cap, as follows:—

The regulation uniform shall consist of a double-breasted sack coat of navy blue cloth, with vest and trousers of the same material.

The uniform overcoat shall be double-breasted and of navy blue cloth, but wearing it shall not be compulsory upon drivers and motormen.

The regulation cap shall be of black serge.

From November 1 to April 15 a navy blue Scotch havelock cap may be worn; and during June, July and

August a regulation straight-brimmed brown straw hat may be worn by motormen, drivers and conductors.

The cap of the conductor must have a one-quarter-inch gilt stripe on the upper side of the band or lapel, and the cap or hat of the motorman or driver, with the exception of the rubber hat, must have a quarter-inch silver stripe on the upper side of the band or lapel.

During extremely hot weather a black alpaca coat or vest, with the company's regulation buttons, may be worn by either conductor, driver or motorman.

From November 1 to April 15 motormen and drivers when wearing overcoats need not wear the uniform suit.

During wet weather they may wear a rubber coat, and during cold weather they may wear a fur coat.

All uniform garments, except the rubber and fur overcoats, must be equipped with the company's regulation buttons, which will be furnished by the company upon receiving a deposit therefor. Upon the termination of service of an employee the buttons must be returned to the company and the deposit will be repaid.

Suits, overcoats and caps may be purchased by the men where they choose, but must be of good quality, will be inspected from time to time, and must be kept in good condition and renewed when necessary.

Regulation badges shall at all times be worn upon the cap or hat, plainly exposed to view.

Conductors, drivers and motormen may ride upon the cars without payment of fare only when in full uniform, as above provided for.

ARTICLE 17.

All employees who deposit five dollars (\$5) or over with the company shall receive interest at the rate of

four (4) per cent. per annum on such deposits after thirty (30) days.

ARTICLE 18.

No conductor, driver or motorman shall be laid off on account of any accident that occurs while in charge of his car previous to an investigation of the same.

Any conductor, driver or motorman reporting back from the claim department shall receive a definite statement from the division superintendent as to when he shall report for work.

Complaints shall be fairly investigated and employees exonerated shall be paid for lost time.

ARTICLE 19.

No official in the employ of the company shall be allowed to keep boarders, lodgers or engage in any business in which he may receive compensation from a conductor, driver or motorman when attention has been called to it.

ARTICLE 20.

The company to recognize a committee of eight (with or without a stenographer), to consist of one employee from each division, who shall have full power to adjust grievances arising under this agreement with the management upon conference. Any request for a conference shall be accompanied by a written statement of the grievance to be acted upon.

ARTICLE 21.

All service upon the cars of this company shall be governed by such rules and regulations, not conflicting

with the terms of this agreement, as the management may from time to time establish.

ARTICLE 22.

A copy of these regulations shall be framed and posted in the lobbies of the several stations.

In the letter which accompanied the foregoing draft of agreement, a conference was asked for, and one or two meetings took place between a committee of the union and the superintendent of the company. At length the committee were informed by the superintendent that he had no authority to sign any agreement with them. Thereupon the following correspondence ensued:—

CONDUCTORS, DRIVERS AND MOTORMEN'S UNION
OF THE WEST END STREET RAILWAY,
OFFICE, 45 ELIOT STREET, ROOM 4,
BOSTON, December 23, 1896.

Mr. SAMUEL LITTLE,

President West End Street Railway Company.

DEAR SIR:—As chairman of the above union, I am authorized to say to you that we have decided as a body that no cars shall be operated by us after midnight to-night unless an agreement between the management and ourselves is made and signed before 3 o'clock P.M. to-day.

Most respectfully,

M. L. YOUNG, *Chairman Conference Committee.*

Boston, December 23, 1896.

Mr. M. L. YOUNG,

Chairman, 45 Eliot Street, Boston, Mass.

DEAR SIR:—I am in receipt (at 12 o'clock to-day) of your communication of December 23, informing me that you are authorized to say "that we have decided as a body that no cars shall be operated by us after midnight, unless an agreement between the management and ourselves is made and signed before 3 o'clock P.M. to-day."

It would seem, before any steps should be taken which would so largely affect the interests of the employees, the public and the company, an interview should at least be held. I would suggest such an interview, that the management may have full knowledge of any difference that may exist between them and the employees.

If this should meet your views, I shall be ready to have an interview at your convenience.

Respectfully yours,

SAMUEL LITTLE, *President.*

CONDUCTORS, DRIVERS AND MOTORMEN'S UNION
OF WEST END STREET RAILWAY,
DECEMBER 23, 1896.

Mr. SAMUEL LITTLE,

President West End Street Railway Company.

DEAR SIR:—The agreement is in your hands, and has been fully discussed by your accredited representative. The conference committee is ready to sign.

Most respectfully,

M. L. YOUNG.

Boston, December 23, 1896.

Mr. M. L. YOUNG, 45 Eliot Street, Boston, Mass.

DEAR SIR:—Your second communication of this date is received. The draft of an agreement which you have forwarded differs in many particulars from any previous agreement of the Company, and from the regulations under which the Company has been operated since the expiration of the agreement, and which have been substantially in accordance with the last agreement. The only exceptions that have been made have been in favor of the men.

To make an agreement at the present time would require the authority of the Directors. You are aware that the matter has not been discussed by me or by any Committee of the Directors.

I am quite ready to assure you by letter that the present regulations of the Company and the rate of pay will be continued during the ensuing year, and that the Officers of the Company will be ready at all times to confer with any member of the Union who may be an employee of the company or with any other employees of the company in regard to any question which may arise, or any grievance which may be thought to exist.

Respectfully,

SAMUEL LITTLE, *President.*

Mr. SAMUEL LITTLE,

President West End Street Railway Company.

DEAR SIR:—I acknowledge the receipt of your last communication of this date.

We can only proceed according to the first communication sent you this morning.

Most respectfully,

M. L. YOUNG.

Simultaneously with the dictating of this last message a strike was ordered; but late in the afternoon a committee had a meeting with the president of the company, and it was suggested that the strike be postponed for one week, in order that the president might have time to lay the matter of signing an agreement before the board of directors. The committee were disposed to agree to the proposition, but said that they must report it to a body of the employees assembled in a meeting elsewhere, and would report their action later.

The following letter was sent to the meeting: —

Boston, December 23, 1896.

Mr. M. L. YOUNG, *Chairman, and Members of the Committee of the Conductors, Drivers and Motormen's Union.*

DEAR SIRs: — For the first time the copy of the agreement proposed by you was presented to me on December 22.

As I have informed your Committee, I have no authority whatever to enter into such an agreement for the Company, except by vote of the Board of Directors. But, as I have proposed to your Committee this evening, I will present the same to the consideration of the Board, and inform your Committee, on December 30, as to their decision.

Respectfully,

SAMUEL LITTLE, *President.*

The following appeal to the public was issued by the union on the evening of the 23d: —

AN APPEAL TO THE PUBLIC.

To the Officers of the West End Street Railway and to the Public.

We, as conductors, drivers and motormen of the West End Street Railway system, regret exceedingly that we have thus far failed to secure an agreement under which we can work during the year 1897.

Our repeated requests have caused us only to be trifled with, and our frequent requests to your president ignored.

The necessity for this agreement between us, as employer and employees, is imperative.

Our experience during the past year and more, without an agreement, has been such as men who are capable of handling the cars on the crowded streets of Boston will not endure.

We confess that you have been ignorant of these conditions, and, were we to continue to endure them, you would necessarily remain so.

You lay down rules for our guidance, and exact conditions that require the full measure of the average man's ability to fulfil. But, under your system of discipline, we owe unqualified and unquestioning obedience to innumerable masters, each of whom in turn, we presume, is held responsible for results, and each exacts all additional labor from us that he possibly can.

You have at least three general departments, each of which is independent of the other, and each of which has unlimited power in matters of discipline. Two of these departments at least are managed in detail by a system of officers subordinate to one another, in charge of superintendents, inspectors, detectives, foremen, starters, etc., each of whom, feeling that he has the lion's share of power, is too often prone to use it like a lion. To the

whims of each of these petty tyrants—if they choose to be tyrants, which is altogether too frequently the case—we are daily and hourly subject, and a word of complaint means a loss of one or more days of pay, and too often discharge.

If a man complains to a superior officer concerning his treatment, he is usually discriminated against in innumerable ways, and is soon taught the lesson, “Woe to that man who complains,” and he bears his ills in silence until he can “get another job,” or grows dogged and careless.

The only way in which the men can safely make known their grievances to the proper power to remedy them is through the representative of an organization. The work without an agreement whereby these things can be adjusted and regulated, and not left to the arbitrary will and whims of subordinates, is almost intolerable.

With it each man knows his duty and his work, knows when and where to make complaints, and how. And even with the agreement discharge and abuse are so common that many men prefer to suffer the injustice in silence and take discharge when it comes, rather than take the consequence of complaint, however just their complaint may be.

The management knows nothing of this, except in a general way, and cannot know it otherwise.

No one knows better than we that strong and severe discipline is necessary in this business, and in this we are in hearty sympathy with the management, and would be pleased to work with them in producing and maintaining it.

No one knows the weak points of the system better than we, who are made to feel and experience the weaknesses. We feel and know that we can be of great

advantage to the management of the road if we can be heard by them direct, and not be compelled to have our statements travel up to them through a series of subordinate officers, or be thrust aside from listless ears.

We do not wish to ask anything unreasonable in this agreement, and will insist on nothing unreasonable. But we insist on an agreement of some kind. You say you prefer to deal with us as individuals, and not as a body.

But we have tried this with practically the same general rules enforced that we now insist on in the form of an agreement, and we cannot endure it. During the year 1896 we have been compelled to work daily in a very large number of cases from 10½ hours to 11 hours, in utter violation of law, and our constant complaints were unavailing. We have been scheduled for a set of trips on a time-table which the company knows it is impossible to run, and, though we have repeatedly made it known, we still are compelled to work over the legal limit of a day's work, though it could be remedied in any case in a moment's work on the time-table.

We are compelled to lose time and money by being laid off from work continually, even discharged for the merest trifle, and the persons having power to cause us this loss use it unscrupulously, unintelligently and carelessly. There is perhaps an average of 30 men daily thus laid off, and an average of perhaps 2 per day discharged.

How would an army officer who would follow such methods be regarded? How long would any country tolerate a man as an officer who, having but 3,000 men,

would keep an average of 30 men per day in the guard house and have an average of 2 per day court-martialed or shot?

We have been compelled to stand on our cars from 6½ to 7½ hours daily, in sunshine and in storm, without an opportunity to attend to the calls of nature or to get a meal, and our complaints are met only with reprimands.

We have organized ourselves into a union for mutual good, and we hope to be with the management instead of against it, and all the encouragement we get is a contemptuous snub by the president. We want no trouble, and abhor a strike.

We are banded together for mutual good, not to create trouble, but to prevent it. We have no secrets. Our obligations, our constitution and by-laws are open to your inspection.

We maintain that the rights of the employee are as sacred as those of the employer, and we wish to work as employee for employer, and not as slave for master.

Without an agreement, our wages may be cut down any day and we have no remedy. With an agreement, we know what we are doing.

We regard it as our bill of rights which protects us from arbitrary rule.

On the next day the following statement was added by the company:—

Boston, December 24, 1896.

To the Employees of the West End Street Railway Company.

In order that there be no misunderstanding in regard to the position of the Company in regard to the agreement which was presented by the Executive Board of the

Conductors, Drivers and Motormen's Union, I would state that the first presentation of the same was made to me on December 22. On the same date I received a letter from Mr. M. L. Young, chairman, under date of December 21, asking that an hour be set that day for the signing of the same.

The signing of the agreement required action of the Board of Directors, who have had no opportunity of considering the same, and it was impossible to comply with the request, inasmuch as I had no authority for signing the agreement except by vote of the Board of Directors.

These facts were stated to your Committee on the evening of December 23, after a protracted interview, and the proposition was made by me and put in writing that the matter of agreement should be deferred to December 30; in the mean time the same would be presented to the Directors for their consideration, and a direct answer was promised your Committee at that time. This proposition was accepted by your Committee, with the promise that there would be no interference with the running of the cars until December 30, when, if the action of the Directors was not satisfactory to the Committee, the whole matter would be in the hands of the Committee for their consideration. This was accepted by me in good faith, and I had every reason to presume that the Committee were acting in the same good faith.

On investigation I found that a copy of the agreement was forwarded to the General Superintendent on December 1, with the request for a conference on or before December 15. The first conference was held on December 14. From that date to December 21 several

communications passed between the General Superintendent and the Chairman of the Union, for the purpose of considering wherein and how far the Company and its employees might agree upon the provisions thereof. This was necessary before any decided action could be taken, and, as I had stated before, the copy of the agreement was not placed in my hands until December 22.

Respectfully yours,

SAMUEL LITTLE, *President.*

The strike began on the morning of the 24th, but its effects were not fully realized until noon. The Board called upon the chief representative of the strikers and obtained his statement, and then the Board called upon the president of the company and had an interview with him. The mayor of the city called upon the Board, in order to obtain information concerning the situation, and to express his desire to co-operate as far as possible with any efforts that might be made towards a settlement. There was, however, no occasion for any further action in any official capacity; for the storm quickly subsided, and, even before some of the employees had received the order to strike, those who had stopped working in the morning had already gone back to their places. About midnight of the 24th, the strike was formally declared off. To say nothing of the inconvenience to the innocent public, the

result of the strike was unusually disastrous to those who had resorted to this method of redressing grievances. The employees were compelled to make personal application for re-employment, and many were rejected. Some who were taken back were placed in less acceptable positions than before. The corporation was left in full command of the situation, and whereas, on the 23d of December, it was understood that there would be another conference in a week, and that the question of agreement should rest in abeyance until that time, and there seemed good reason to believe that the union would be recognized in some way, all such expectations were now at an end. There was no conference, and, as a natural consequence, no agreement, and no recognition of union.

It appears that the action of the conference committee, favoring an agreement with the president to a postponement for one week, was communicated to a larger body of the employees; and, although the conference committee of seven had voted in favor of accepting the proposition for delay, the larger body refused to confirm the action of the committee, and voted that a strike should be declared.

It unfortunately happened that between the vote

of the committee and their report to the main body some members of the committee, acting without authority to do so, reported at the office of the company that the president's proposition had been acted upon favorably; the officials, understanding that the main body had so acted, and that everything would go on as usual until December 30, reported to the president of the company that the meeting had authorized the acceptance of the company's proposition, and that there would be no interference with the running of the cars before December 30. In a statement given to the newspapers by the president of the corporation, on December 29, is the following:—

WEST END STREET RAILWAY COMPANY,
GENERAL OFFICES, 81 MILK STREET,
BOSTON, December 29, 1896.

So much has been printed and said which was not reliable, and in order that the public and the present and past employees of the Company should be informed of the circumstances connected with the so-called strike which happened on December 24, and which resulted in such serious inconvenience and loss to the public, it is deemed proper that the following statement should be made through the press.

The first intimation that any such interference with the business of the Company was contemplated was received at 12 o'clock noon, December 23, through a letter from Mr. Young, Chairman Conductors, Drivers and Motormen's Union, in which he stated that, unless an agree-

ment was signed before 3 o'clock that afternoon, no cars would be run after 12 o'clock P.M. A courteous reply was made that at least before any steps should be taken which would be so serious to the public, to the employees and the Company, an interview should be held, and an interview was proposed by the company at the convenience of the officers of the union. This was refused.

Later an official of the Company was asked to visit the headquarters of the Union, and suggest in person an interview. He returned and reported that the Supreme Council of the Union would meet the officials of the Company. There was no reluctance on the part of any official of the Company in recognizing the Union which this meeting would clearly mean.

At 5.30 o'clock P.M., on December 23, seven employees of the Company, representing themselves as Chairman and members of the Supreme Council of the Union, met several Officers of the Company at the office of the Company, 81 Milk Street. They declared themselves the Supreme Council of the Conductors, Drivers and Motor-men's Union, and stated they met with authority as such. This interview lasted some three hours. It was proposed by the President of the Company that, as he did not recognize his authority to sign any agreement without action of the Directors, the whole matter be held in abeyance until December 30, and that the agreement should be presented to the Directors, and an answer would be given the Supreme Council on or before December 30 of their action on the same, which would be decisive.

It was agreed by the Council to take this proposition to the meeting at Eliot Street, and report the action of the meeting at 10 o'clock. At nearly 12 o'clock, mid-

night, several members of the Supreme Council reported in person at 81 Milk Street that the meeting had authorized the acceptance of the proposition of the President, and that they came with authority to say that there would be no interference with the running of the cars previous to December 30.

In the presence of Officers of the Company the telephones of the Company were used by members of the Supreme Council to notify the various headquarters of the Union of the action of the meeting. This was accepted by the officials of the Company, who had been in attendance, and all left for their respective homes.

I retired about 1 o'clock A.M. on Thursday morning. At 2 o'clock A.M. a representative of a Boston paper called at my house, and sent word to my chamber that the Supreme Council had broken their promise, and ordered a strike from that time.

On the morning of December 24 few cars comparatively were upon the streets, and it was known that members of the Supreme Council and their representatives were active through the various divisions of the system during the early hours of the morning, as well as during the forenoon, to prevent, if possible, by personal appeal, any more cars from being taken out, and such as were out to be returned to the house. From 12 o'clock at night of December 23 to 11 o'clock A.M. December 24, no communication of any nature had been had with any member of the Supreme Council.

At 10 o'clock, December 24, a representative of a Boston paper called and informed me that at 9.30 that morning Mr. Young, Chairman Supreme Council, called and left notice that at 12 o'clock the tie-up of the cars would be complete.

From this time, if not before, it was certain that the Supreme Council were an entirely irresponsible body, and not acting in good faith when they left at midnight on December 23, with the promises they had made sustained by action of the General Committee as they stated. There were two ways in which they could have shown their own honesty of purpose. One was to have themselves taken their cars and shown their disposition to keep their promises; the other, to give the officials of the Company the earliest information that the promises would not be kept. Neither was done, and the time between 12 o'clock at night of the 23d and 11 o'clock A.M. of the 24th was spent by them, as I have said, to bring about a complete suspension of car travel.

At 11 o'clock of the 24th, Mr. Young, Chairman, and other members of the Supreme Council called to inform me, as a matter of courtesy, as they said, that there would be no cars running after 12 o'clock, noon. Mr. Young acknowledged that he had given this information to the papers at 9.30 o'clock.

Here all intercourse with the Supreme Council ceased, and the officials at once proceeded to take steps to insure the opening of the road at the earliest possible moment, that the public might be relieved from the very great inconvenience and loss which had been forced upon them.

The Company found that a large number of employees had voluntarily left its employ, and new men must be employed or former employees re-employed. An advertisement for new men was issued, and circulars to those who remained in the employ of the Company and those who left the employ, clearly stating the position of the Company.

At 6 o'clock on the afternoon of December 24 I was in communication with the several divisions of the road through the superintendents, and was assured by all that the old employees had returned in such numbers that all cars would be run on schedule time on the 25th. At 8 o'clock on the evening of the 24th I was informed by a newspaper representative that he had information from Eliot Street that the strike was, or would be, declared off. I replied that I had little interest in any action the Supreme Council might take in regard to the strike, as the men were returning in all the divisions faster than they could be assigned to cars.

I am informed through the papers that the strike was formally declared off at 11.30 o'clock on the evening of December 24. The Supreme Council had not considered it of importance enough to communicate to me. I remained at the office of the Company on Saturday, the 26th, until 5 o'clock; I had not then nor have I to this time received any communication from the Supreme Council, or any member of it, in person or by telephone, or letter since 11 o'clock A.M., Thursday, the 24th, except that late on Thursday evening I was called up on the telephone by what seemed to be a man's voice, who said that he was Mr. Howard, who asked if all the old men in division 1 could be reinstated on their old cars.

At this time there was no strike except in the minds of the Council, as for hours the old employees had been returning and been assigned cars if their application was approved, in the order of their application. I explained to Mr. Howard what course the Company would adopt and upon his stating that he had not seen the notices issued by the Company, I read the same to him through the telephone until he claimed to understand the situ-

ation. From his statement since in the papers he must have been mistaken when he said he understood the action the company had taken, for the statements made by him are without foundation.

On December 25 the full complement of cars were run on schedule time.

On December 24 a notice was posted in the various carhouses of the company, authorizing the re-employment by the division superintendents of former employees of the Company who should apply before 12 o'clock midnight of December 25, if the applicants should be deemed desirable for the Company; after this time all application for employment would be made at the Employment Office of the Company.

At 12 o'clock, midnight, December 25, there were 423 of the old employees who had not been assigned cars by the superintendents. Three hundred and fifteen of this number had applied, and their applications had been declined. One hundred and eight had made no application. Of the 108, 8 have since applied to the Employment Bureau, and have been rehired. Of the 315, 8 have made application and been rehired. Up to the time of writing, 6 o'clock P.M., December 29, 210 have been employed by the Employment Office since December 24. This includes the old men rehired, as stated above.

The management of the Company regretted that the public, to whom they owe so much, should have been put to the great inconvenience and expense caused by the forced withdrawal of so many cars on December 24.

They desire to thank the employees who remained at their post. They can be assured their services are appreciated, and to say to the employees who have again entered the service of the Company, if their subsequent

conduct is good, the past will not be remembered, and in no way will any discrimination be shown or allowed against them.

SAMUEL LITTLE, *President*.

The foregoing annual report is respectfully submitted.

CHARLES H. WALCOTT,
RICHARD P. BARRY,
CHARLES DANA PALMER,

State Board of Arbitration and Conciliation.

Boston, February 8, 1897.

APPENDIX.

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Twenty-four states of the union have made constitutional or statutory provision for the settlement of industrial disputes. In twenty-one states the laws provide for mediation between parties by arbitration boards of one kind or another. Of these, the statutes of thirteen states contemplate the administration of conciliation and arbitration laws by permanent state boards; in Michigan, however, where such a law exists, the state board has not yet been appointed. The twelve states having state boards are as follows: Massachusetts, New York, Montana, California, New Jersey, Ohio, Louisiana, Wisconsin, Minnesota, Connecticut, Illinois and Utah.

The constitution of Idaho permits the establishment by law of boards of arbitration to determine industrial controversies submitted in writing by all the parties in interest. The constitution of Wyoming directs the legislature to establish courts of arbitration to determine all differences between associations of laborers and their employers, and provides for appeals to the supreme court of the state from the decisions of compulsory boards of arbitration.

The laws of Iowa, Kansas, Pennsylvania and Texas authorize the law courts to appoint tribunals of voluntary arbitration; and such is the law of Maryland also, which, moreover, empowers the Board of Public Works to investigate industrial controversies when the employer is a corporation, indebted to, or incorporated by, that state; to propose arbitration to the opposing parties, and if the proposition is accepted, to provide in due form for referring the case; but if either party refuse to submit

to arbitration, it becomes the duty of the Board of Public Works to ascertain the cause of the controversy and report the same to the next legislature.

The law of Missouri authorizes the Commissioner of Labor Statistics to form local boards of arbitration. This officer, and like officers in Colorado and North Dakota, are charged with the duty of mediating between employer and employed, if requested to do so by either, whenever a difference exists which results or threatens to result in a strike or lock-out. In Nebraska it is the duty of such officer to examine into the causes of strikes and lock-outs.

MASSACHUSETTS.

The law of the state concerning arbitration is as follows, being chapter 263 of the Acts of 1886, approved June 2, entitled, "An Act to provide for a State Board of Arbitration, for the settlement of differences between employers and their employees," as amended by St. 1887, chapter 269; St. 1888, chapter 261; and St. 1890, chapter 385; also St. 1892, chapter 382.

SECTION 1. The governor, with the advice and consent of the council, shall, on or before the first day of July in the year eighteen hundred and eighty-six, appoint three competent persons to serve as a state board of arbitration and conciliation in the manner hereinafter provided. One of them shall be an employer or selected from some association representing employers of labor, one of them shall be selected from some labor organization and not an employer of labor, the third shall be appointed upon the recommendation of the other two: *provided, however*, that if the two appointed do not agree on the third man at the expiration of thirty days, he shall then be appointed by the governor. They shall hold office for one year or until their successors are appointed. On the first day of July in the year eighteen hundred and eighty-seven the governor, with the advice and consent of the council, shall appoint three members of said board in the manner above provided, one to serve for three years, one for two years and one for one year, or until their respective successors are appointed; and on the first day of

July in each year thereafter the governor shall in the same manner appoint one member of said board to succeed the member whose term then expires, and to serve for the term of three years or until his successor is appointed. If a vacancy occurs at any time, the governor shall in the same manner appoint some one to serve out the unexpired term; and he may in like manner remove any member of said board. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge thereof. They shall at once organize by the choice of one of their number as chairman. Said board may appoint and remove a clerk of the board, who shall receive such salary as may be allowed by the board, but not exceeding twelve hundred dollars a year.

SECT. 2. The board shall, as soon as possible after its organization, establish such rules of procedure as shall be approved by the governor and council.

SECT. 3. Whenever any controversy or difference not involving questions which may be the subject of a suit at law or bill in equity, exists between an employer, whether an individual, copartnership or corporation, and his employees, if at the time he employs not less than twenty-five persons in the same general line of business in any city or town in this Commonwealth, the board shall, upon application as hereinafter provided, and as soon as practicable thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the said board shall cause a copy thereof to be filed with the clerk of the city or town where said business is carried on.

SECT. 4. Said application shall be signed by said employer or by a majority of his employees in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work without any lock-out or strike until the decision of said board, if it shall be made

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within three weeks of the date of filing said application. When an application is signed by an agent claiming to represent a majority of such employees, the board shall satisfy itself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving such authority shall be kept secret by said board. As soon as may be after the receipt of said application the secretary of said board shall cause public notice to be given for the time and place for the hearing thereon; but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order; and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request.

When notice has been given as aforesaid, each of the parties to the controversy, the employer on the one side, and the employees interested on the other side, may in writing nominate, and the board may appoint, one person to act in the case as expert assistant to the board. The two persons so appointed shall be skilled in and conversant with the business or trade concerning which the dispute has arisen. It shall be their duty, under the direction of the board, to obtain and report to the board information concerning the wages paid and the methods and grades of work prevailing in manufacturing establishments within the Commonwealth of a character similar to that in which the matters in dispute have arisen. Said expert assistants shall be sworn to the faithful discharge of their duty; such oath to be administered by any member of the board, and a record thereof shall be preserved with the record of the proceedings in the case. They shall be entitled to receive from the treasury of the Commonwealth such compensation as shall be allowed and certified by the board, together with all necessary travelling expenses.* Nothing in this act shall be construed to prevent the board from appointing such other additional expert assistant or assistants as it may deem necessary. Should the petitioner or petitioners fail to perform the promise made in said application, the board shall proceed no further thereupon without the written consent of the adverse party. The board shall have

* See further as to experts, their duties and compensation, St. 1892, c. 382, *post*.

power to summon as witness any operative in the departments of business affected and any person who keeps the records of wages earned in those departments, and to examine them under oath, and to require the production of books containing the record of wages paid. Summonses may be signed and oaths administered by any member of the board.

SECT. 5. Upon the receipt of such application and after such notice, the board shall proceed as before provided, and render a written decision, which shall be open to public inspection, shall be recorded upon the records of the board, and published at the discretion of the same in an annual report to be made to the general court on or before the first day of February in each year.

SECT. 6. Said decision shall be binding upon the parties who join in said application for six months, or until either party has given the other notice in writing of his intention not to be bound by the same at the expiration of sixty days therefrom. Said notice may be given to said employees by posting the same in three conspicuous places in the shop or factory where they work.

SECT. 7. The parties to any controversy or difference as described in section three of this act may submit the matters in dispute, in writing, to a local board of arbitration and conciliation; such board may either be mutually agreed upon, or the employer may designate one of the arbitrators, the employees or their duly authorized agent another, and the two arbitrators so designated may choose a third, who shall be chairman of the board. Such board shall, in respect to the matters referred to it, have and exercise all the powers which the state board might have and exercise, and its decision shall have whatever binding effect may be agreed by the parties to the controversy in the written submission. The jurisdiction of such board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the state board. The decision of such board shall be rendered within ten days of the close of any hearing held by it; such decision shall at once be filed with the clerk of the city or town in which the controversy or difference arose, and a copy thereof shall be forwarded to the state board. Each of such arbitrators shall be entitled to receive from the treasury of the city or town in which the controversy or difference that is the subject of the arbitration exists, if such payment is approved in writing by the mayor of

such city or the board of selectmen of such town, the sum of three dollars for each day of actual service, not exceeding ten days for any one arbitration. Whenever it is made to appear to the mayor of a city or the board of selectmen of a town that a strike or lock-out such as described in section eight of this act is seriously threatened or actually occurs, the mayor of such city or the board of selectmen of such town shall at once notify the state board of the facts.

SECT. 8. Whenever it shall come to the knowledge of the state board, either by notice from the mayor of a city or the board of selectmen of a town, as provided in the preceding section or otherwise, that a strike or lock-out is seriously threatened or has actually occurred in any city or town of the Commonwealth, involving an employer and his present or past employees, if at the time he is employing, or up to the occurrence of the strike or lock-out was employing, not less than twenty-five persons in the same general line of business in any city or town in the Commonwealth, it shall be the duty of the state board to put itself in communication as soon as may be with such employer and employees, and endeavor by mediation to effect an amicable settlement between them, or to endeavor to persuade them, provided that a strike or lock-out has not actually occurred or is not then continuing, to submit the matters in dispute to a local board of arbitration and conciliation, as above provided, or to the state board; and said state board may, if it deems it advisable, investigate the cause or causes of such controversy, and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes, and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given it by section three of this act.

SECT. 9. Witnesses summoned by the state board shall be allowed the sum of fifty cents for each attendance, and the further sum of twenty-five cents for each hour of attendance in excess of two hours, and shall be allowed five cents a mile for travel each way from their respective places of employment or business to the place where the board is in session. Each witness shall certify in writing the amount of his travel and attendance, and the amount due him shall be paid forthwith by the board, and for such purpose the board shall be entitled to

draw from the treasury of the Commonwealth, as provided for in chapter one hundred and seventy-nine of the acts of the year eighteen hundred and eighty-four.

SECT. 10. The members of said state board shall until the first day of July in the year eighteen hundred and eighty-seven be paid five dollars a day each for each day of actual service; and on and after said date they shall each receive a salary at the rate of two thousand dollars a year, to be paid out of the treasury of the Commonwealth; and both before and after said date they shall be allowed their necessary travelling and other expenses, which shall be paid out of the treasury of the Commonwealth.

[ST. 1892, CHAPTER 382.]

An Act relating to the duties and compensation of expert assistants appointed by the state board of arbitration and conciliation.

Be it enacted, etc., as follows :

SECTION 1. In all controversies between an employer and his employees in which application is made to the state board of arbitration and conciliation, as provided by section four of chapter two hundred and sixty-three of the acts of the year eighteen hundred and eighty-six as amended by section three of chapter two hundred and sixty-nine of the acts of the year eighteen hundred and eighty-seven, and by section one of chapter three hundred and eighty-five of the acts of the year eighteen hundred and ninety, said board shall appoint a fit person to act in the case as expert assistant to the board. Said expert assistants shall attend the sessions of said board when required, and no conclusion shall be announced as a decision of said board, in any case where such assistants have acted, until after notice given to them, by mail or otherwise, appointing a time and place for a final conference between said board and expert assistant on the matters included in the proposed decision. Said expert assistants shall be privileged to submit to the board, at any time before a final decision shall be determined upon and published, any facts, advice, arguments or suggestions which they may deem applicable to the case. They shall be sworn to the faithful discharge of their duties by any member of said board, and a record thereof shall be preserved with

the record of the proceedings in the case. They shall be entitled to receive for their services from the treasury of the Commonwealth the sum of seven dollars for each day of actual service, together with all their necessary travelling expenses.

SECT. 2. This act shall take effect upon its passage. [*Approved June 15, 1892.*]

NEW YORK.

[CHAPTER 63.]

An Act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employes, and to authorize the creation of a State Board of Mediation and Arbitration. [*Passed March 10, 1887; three-fifths being present.*]

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever any grievance or dispute of any nature shall arise between any employer and his employes, it shall be lawful to submit the same, in writing, to a board of arbitrators for hearing and settlement. Said board shall consist of three persons. When the employes concerned are members in good standing of any labor organization, which is represented by one or more delegates in a central body, the said body shall have power to designate one of said arbitrators, and the employer shall have power to designate one other of said arbitrators, and the said two arbitrators shall designate a third person, as arbitrator, who shall be chairman of the board. In case the employes concerned in any grievance or dispute are members in good standing of a labor organization which is not represented in a central body, then the organization of which they are members shall have the power to select and designate one arbitrator for said board, and said board shall be organized as hereinbefore provided. And in case the employes concerned in any grievance or dispute are not members of any labor organization, then a majority of said employes, at a meeting duly held for that purpose, shall designate one arbitrator for said board, and the said board shall be organized as hereinbefore provided. In all cases of arbitration the grievance or matter of dispute shall be succinctly and clearly stated in

writing, signed by the parties to the arbitration, or some duly authorized person on their behalf, and submitted to such board of arbitration.

§ 2. Each arbitrator so selected shall sign a consent to act as such, and shall take and subscribe an oath before an officer authorized to administer oaths, to faithfully and impartially discharge his duties as such arbitrator, which consent and oath may be filed in the office of the clerk of the county where such dispute arises. When the said board is ready for the transaction of business it shall select one of its number to act as secretary, and the parties to the dispute shall receive notice of a time and place of hearing. The chairman shall have power to administer oaths and to issue subpoenas for the production of books and papers, and for the attendance of witnesses, to the same extent that such power is possessed by the courts of record or the judges thereof in this State. The board may make and enforce the rules for its government and the transaction of the business before it, and fix its sessions and adjournment, and shall hear and examine such witnesses as may be brought before the board, and such other proof as may be given relative to the matter in dispute.

§ 3. After the matter has been fully heard, the said board or a majority of its members shall, within ten days, render a decision thereon in writing, signed by them, giving such details as will clearly show the nature of the decision and the points disposed of. Such decision shall be a settlement of the matter referred to said arbitrators unless an appeal is taken therefrom as is hereinafter provided. The decision shall be in duplicate, one copy of which shall be filed in the office of the clerk of the county and the other transmitted to the secretary of the State Board of Mediation and Arbitration, hereinafter mentioned, together with the testimony taken before said board.

§ 4. When the said board shall have rendered its decision its power shall cease, unless there may be in existence at the time other similar grievances or disputes between the same classes of persons, and in such cases such persons may submit their differences to the said board, which shall have power to act and arbitrate and decide upon the same as fully as if said board was originally created for the settlement of such other difference or differences.

§ 5. Within three days after the passage of this act the Governor shall, with the advice and consent of the Senate, appoint a State Board of Mediation and Arbitration, to consist of three competent persons, each of whom shall hold his office for the term of three years, to commence immediately upon the expiration of the term of office of the members of the present State Board of Arbitration, created under chapter four hundred and ten of the laws of eighteen hundred and eighty-six. One of said persons shall be selected from the party which, at the last general election, cast the greatest number of votes for Governor of this State, and one of said persons shall be selected from the party which, at the last general election, cast the next greatest number of votes for Governor of this State; and the other of said persons shall be selected from a bona fide labor organization of this State. If any vacancy happens by resignation or otherwise, he shall, in the same manner, appoint an arbitrator for the residue of the term. If the Senate shall not be in session at the time any vacancy shall occur or exist, the Governor shall appoint an arbitrator to fill the vacancy, subject to the approval of the Senate when convened. Said board shall have a clerk or secretary, who shall be appointed by the board, to serve three years, whose duty it shall be to keep a full and faithful record of the proceedings of the board, and also all documents and testimony forwarded by the local boards of arbitration, and perform such other duties as the said board may prescribe. He shall have power, under the direction of the board, to issue subpoenas, to administer oaths in all cases before said board, to call for and examine books, papers and documents of any parties to the controversy, with the same authority to enforce their production as is possessed by the courts of record, or the judges thereof, in this State. Said arbitrators and clerk shall take and subscribe the constitutional oath of office, and be sworn to the due and faithful performance of the duties of their respective offices before entering upon the discharge of the same. An office shall be set apart in the capitol by the person or persons having charge thereof, for the proper and convenient transaction of the business of said board.

§ 6. An appeal may be taken from the decision of any local board of arbitration within ten days after the rendition and filing of such decision. It shall be the duty of said State Board of Mediation and Arbitration to hear and consider appeals from

the decisions of local boards and promptly proceed to the investigation of such cases, and the decision of said board thereon shall be final and conclusive in the premises upon both parties to the arbitration. Such decision shall be in writing, and a copy thereof shall be furnished to each party. Any two of the arbitrators shall constitute a quorum for the transaction of business, and may hold meetings at any time or place within the State. Examinations or investigations ordered by the board may be held and taken by and before any one of their number, if so directed. But the proceedings and decisions of any single arbitrator shall not be deemed conclusive until approved by the board or a majority thereof. Each arbitrator shall have power to administer oaths.

§ 7. Whenever any grievance or dispute of any nature shall arise between any employer and his employes, it shall be lawful for the parties to submit the same directly to said State board in the first instance, in case such parties elect to do so, and shall jointly notify said board or its clerk, in writing, of said election. Whenever such notification to said board or its clerk is given, it shall be the duty of said board to proceed, with as little delay as possible, to the locality of such grievance or dispute, and inquire into the cause or causes of grievance or dispute. The parties to the grievance or dispute shall thereupon submit to said board, in writing, succinctly, clearly and in detail, their grievances and complaints, and the cause or causes thereof, and severally agree in writing to submit to the decision of said board as to matters so submitted, and a promise or agreement to continue on in business or at work without a lock-out or strike until the decision of said board, provided it shall be rendered within ten days after the completion of the investigation. The board shall thereupon proceed to fully investigate and inquire into the matters in controversy, and to take testimony under oath in relation thereto, and shall have power, by its chairman or clerk, to administer oaths, to issue subpoenas for the attendance of witnesses, the production of books and papers, to the same extent as such power is possessed by courts of record or the judges thereof, in this State.

§ 8. After the matter has been fully heard, the said board, or a majority of its members, shall, within ten days, render a decision thereon in writing, signed by them or a majority of them, stating such details as will clearly show the nature of the

decision and the points disposed of by them. The decision shall be in triplicate, one copy of which shall be filed by the clerk of the board in the clerk's office of the county where the controversy arose, and one copy shall be served on each of the parties to the controversy.

§ 9. Whenever a strike or lockout shall occur, or is seriously threatened in any part of the State, and shall come to the knowledge of the board, it shall be its duty, and it is hereby directed to proceed, as soon as practicable, to the locality of such strike or lockout, and put itself in communication with the parties to the controversy, and endeavor, by mediation, to effect an amicable settlement of such controversy; and, if in its judgment it is deemed best, to inquire into the cause or causes of the controversy, and to that end the board is hereby authorized to subpoena witnesses, compel their attendance, and send for persons and papers, in like manner and with the same powers as it is authorized to do by section seven of this act.

§ 10. The fees of witnesses shall be fifty cents for each day's attendance, and four cents per mile traveled by the nearest route in getting to or returning from the place where attendance is required by the board. All subpoenas shall be signed by the secretary of the board, and may be served by any person of full age, authorized by the board to serve the same.

§ 11. Said board shall make a yearly report to the Legislature, and shall include therein such statements, facts and explanations as will disclose the actual working of the board, and such suggestions as to legislation as may seem to them conducive to harmonizing the relations of and disputes between employers and the wage-earning masses, and the improvement of the present system of production.

§ 12. Each arbitrator shall be entitled to an annual salary of \$3,000, payable in quarterly instalments from the treasury of the State. The clerk or secretary shall receive an annual salary of \$2,000, payable in like manner.

§ 13. Whenever the term "employer" or "employers" is used in this act it shall be held to include "firm," "joint-stock association," "company," or "corporation," as fully as if each of the last-named terms was expressed in each place.

§ 14. This act shall take effect immediately.

MONTANA.

There was a law in Montana, approved February 28, 1887, entitled "An act to provide for a territorial board of arbitration for the settlement of differences between employers and employes." The Legislative Assembly of the territory on March 14, 1889, created a commission to codify laws and procedure, and to revise, simplify and consolidate statutes; and Montana became a state on November 8 of the same year.

The following is the law relating to arbitration of industrial disputes, as it appears in "The Codes and Statutes of Montana in force July 1, 1895."

THE POLITICAL CODE.

[Part III, Title VII, Chapter XIX.]

§ 3330. There is a state board of arbitration and conciliation consisting of three members, whose term of office is two years and until their successors are appointed and qualified. The board must be appointed by the governor, with the advice and consent of the senate. If a vacancy occurs at any time the governor shall appoint some one to serve out the unexpired term, and he may in like manner remove any member of said board. [§ 3330. *Act approved March 15, 1895.*]

§ 3331. One of the board must be an employer, or selected from some association representing employers of labor; and one of them must be a laborer, or selected from some labor organization, and not an employer of labor, and the other must be a disinterested citizen.

§ 3332. The members of the board must, before entering upon the duties of their office, take the oath required by the constitution. They shall at once organize by the choice of one of their number as chairman. Said board may appoint and remove a clerk of the board, who shall receive such compensation as may be allowed by the board, but not exceeding five dollars per day for the time employed. The board shall, as soon as possible after its organization, establish such rules or modes of procedure as are necessary, subject to the approval of the governor. [§ 3332. *Act approved March 15, 1895.*]

§ 3333. Whenever any controversy or dispute, not involving questions which may be the subject of a civil action, exists

between an employer (if he employs twenty or more in the same general line of business in the state) and his employees, the board must, on application as is hereinafter provided, visit the locality of the dispute and make inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done, by either or both, to adjust said dispute, and the board must make a written decision thereon. The decision must at once be made public, and must be recorded in a book kept by the clerk of the board, and a statement thereof published in the annual report, and the board must cause a copy thereof to be filed with the clerk of the county where the dispute arose.

§ 3334. The application to the board of arbitration and conciliation must be signed by the employer, or by a majority of his employees in the department of the business in which the controversy or difference exists, or their duly authorized agent or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work without any lockout or strike until the decision of said board if it shall be made within four weeks of the date of filing said application. When an application is signed by an agent claiming to represent a majority of such employees, the board shall satisfy itself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving such authority shall be kept secret by said board; as soon as may be after the receipt of said application the secretary of said board shall cause public notice to be given for the time and place for the hearing thereon; but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given; when such request is made notice shall be given to the parties interested in such manner as the board may order; and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. When notice has been given as aforesaid, each of the parties to the controversy, the employer on one side, and the employees interested on the other side, may in writing nominate, and the board may appoint, one person to act in the case as expert assistant to the board.

The two persons so appointed shall be skilled in and conversant with the business or trade concerning which the dispute has arisen. It shall be their duty, under the direction of the board, to obtain and report to the board, information concerning the wages paid, the hours of labor and the methods and grades of work prevailing in manufacturing establishments, or other industries or occupations, within the state of a character similar to that in which the matters in dispute have arisen. Said expert assistants shall be sworn to the faithful discharge of their duty; such oath to be administered by any member of the board, and a record thereof shall be preserved with the record of the proceedings in the case. They shall be entitled to receive from the treasury of the state such compensation as shall be allowed and certified by the board not exceeding ——— dollars per day, together with all necessary traveling expenses. Nothing in this act shall be construed to prevent the board from appointing such other additional expert assistant or assistants as it may deem necessary, who shall be paid in like manner. Should the petitioner or petitioners fail to perform the promise made in said application, the board shall proceed no further thereupon without the written consent of the adverse party. The board shall have power to summon as witness any operative or employe in the department of business affected and any person who keeps the records of wages earned in those departments, and to examine them under oath, and to require the production of books containing the record of wages paid. Summons may be signed and oaths administered by any member of the board. [§ 3334. *Act approved March 15, 1895.*]

§ 3335. Upon the receipt of such application and after such notice, the board shall proceed as before provided, and render a written decision, which shall be open to public inspection, shall be recorded upon the records of the board, and published at the discretion of the same in an annual report to be made to the governor on or before the first day of December in each year. [§ 3335. *Act approved March 15, 1895.*]

§ 3336. Any decision made by the board is binding upon the parties who join in the application for six months, or until either party has given the other notice in writing of his intention not to be bound by the same at the expiration of sixty days therefrom. The notice must be given to employes by

posting the same in three conspicuous places in the shop, office, factory, store, mill, or mine where the employes work.

§ 3337. The parties to any controversy or difference as described in § 3333 of this code may submit the matters in dispute, in writing, to a local board of arbitration and conciliation; such board may either be mutually agreed upon, or the employer may designate one of the arbitrators, the employes, or their duly authorized agent, another, and the two arbitrators so designated may choose a third, who shall be chairman of the board. Such board shall, in respect to the matters referred to it, have and exercise all the powers which the state board might have and exercise, and its decision shall whatever binding effect may be agreed by the parties to the controversy in the written submission. The jurisdiction of such board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the state board. The decision of such board shall be rendered within ten days of the close of any hearing held by it; such decision shall at once be filed with the clerk of the county in which the controversy or difference arose, and a copy thereof shall be forwarded to the state board and entered upon its records. Each of such arbitrators shall be entitled to receive from the treasury of the county in which the controversy or difference that is the subject of the arbitration exists, if such payment shall be approved by the commissioners of said county, the sum of three dollars for each day of actual service, not exceeding ten days for any one arbitration.

Whenever it is made to appear to the mayor of any city or two commissioners of any county, that a strike or lockout such as described hereafter in this section is seriously threatened or actually occurs, the mayor of such city, or said commissioners of such county, shall at once notify the state board of the fact.

Whenever it shall come to the knowledge of the state board, either by notice from the mayor of a city, or two or more commissioners of a county, as provided in this section, or otherwise, that a strike or lockout is seriously threatened or has actually occurred in any city or county of this state, involving an employer and his present or past employes, if at the time he is employing or up to the occurrence of the strike or lockout was employing not less than twenty persons in the same general line of business in any city, town or county in this state, it

shall be the duty of the state board to put itself in communication as soon as may be with such employer and employes, and endeavor by mediation to effect an amicable settlement between them, or to endeavor to persuade them, providing that a strike or lockout has not actually occurred or is not then continuing, to submit the matters in dispute to a local board of arbitration and conciliation as above provided, or to the state board; and said state board may, if it deems it advisable, investigate the cause or causes of such controversy, and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes, and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given it by § 3333 of this code.

Witnesses summoned by the state board shall be allowed the sum of fifty cents for each attendance, and the further sum of twenty-five cents for each hour of attendance in excess of two hours, and shall be allowed five cents a mile for travel each way from their respective places of employment or business to the place where the board is in session. Each witness shall certify in writing the amount of his travel and attendance, and the amount due him shall be (see § 9 of Massachusetts act and make such provision as deemed best) certified to the state board of examiners for auditing, and the same shall be paid as other expenses of the state from any moneys in the state treasury. [*§ 3337. Act approved March 15, 1895.*]

§ 3338. The arbitrators hereby created must be paid five dollars for each day of actual service and their necessary traveling expenses and necessary books or record, to be paid out of the treasury of the state, as by law provided.

MICHIGAN.

An Act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employes, and to authorize the creation of a State Court of Mediation and Arbitration.

SECTION 1. The people of the State of Michigan enact, That whenever any grievance or dispute of any nature shall arise between any employer and his employes, it shall be lawful to

submit the same in writing to a court of arbitrators for hearing and settlement, in the manner hereinafter provided.

§ 2. After the passage of this act the Governor may, whenever he shall deem it necessary, with the advice and consent of the Senate, appoint a State Court of Mediation and Arbitration, to consist of three competent persons, who shall hold their terms of office, respectively, one, two and three years, and upon the expiration of their respective terms the said term of office shall be uniformly for three years. If any vacancy happens by resignation or otherwise he shall, in the same manner, appoint an arbitrator for the residue of the term. If the Senate shall not be in session at the time any vacancy shall occur or exist, the Governor shall appoint an arbitrator to fill the vacancy, subject to the approval of the Senate when convened. Said court shall have a clerk or secretary, who shall be appointed by the court, to serve three years, whose duty it shall be to keep a full and faithful record of the proceedings of the court and also all documents, and to perform such other duties as the said court may prescribe. He shall have power, under the direction of the court, to issue subpoenas, to administer oaths in all cases before said court, to call for and examine all books, papers and documents of any parties to the controversy, with the same authority to enforce their production as is possessed by the courts of record, or the judges thereof, in this State. Said arbitrators and clerk shall take and subscribe the constitutional oath of office, and be sworn to the due and faithful performance of the duties of their respective offices before entering upon the discharge of the same. An office shall be set apart in the capitol by the person or persons having charge thereof, for the proper and convenient transaction of the business of said court.

§ 3. Any two of the arbitrators shall constitute a quorum for the transaction of business, and may hold meetings at any time or place within the State. Examinations or investigations ordered by the court may be held and taken by and before any one of their number, if so directed. But the proceedings and decisions of any single arbitrator shall not be deemed conclusive until approved by the court or a majority thereof. Each arbitrator shall have power to administer oaths.

§ 4. Whenever any grievance or dispute of any nature shall arise between any employer and his employees, it shall be lawful for the parties to submit the same directly to said State court,

and shall jointly notify said court or its clerk, in writing, of such grievance or dispute. Whenever such notification to said court or its clerk is given, it shall be the duty of said court to proceed, with as little delay as possible, to the locality of such grievance or dispute, and inquire into the cause or causes of grievance or dispute. The parties to the grievance or dispute shall thereupon submit to said court, in writing, succinctly, clearly and in detail, their grievances and complaints, and the cause or causes thereof, and severally agree in writing to submit to the decision of said court as to matters so submitted, and a promise or agreement to continue on in business or at work, without a lockout or strike, until the decision of said court, provided it shall be rendered within ten days after the completion of the investigation. The court shall thereupon proceed to fully investigate and inquire into the matters in controversy, and to take testimony, under oath, in relation thereto, and shall have power, by its chairman or clerk, to administer oaths, to issue subpoenas for the attendance of witnesses, the production of books and papers, to the same extent as such power is possessed by courts of record, or the judges thereof, in this State.

§ 5. After the matter has been fully heard the said board, or majority of its members, shall, within ten days, render a decision thereon in writing, signed by them, or a majority of them, stating such details as will clearly show the nature of the decision and the points disposed of by them. The decision shall be in triplicate, one copy of which shall be filed by the clerk of the court in the clerk's office of the county where the controversy arose, and one copy shall be served on each of the parties to the controversy.

§ 6. Whenever a strike or lockout shall occur or is seriously threatened, in any part of the State, and shall come to the knowledge of the court, it shall be its duty, and it is hereby directed to proceed, as soon as practicable, to the locality of such strike or lockout and put itself in communication with the parties to the controversy, and endeavor by mediation to effect an amicable settlement of such controversy; and, if in its judgment it is deemed best, to inquire into the cause or causes of the controversy, and to that end the court is hereby authorized to subpoena witnesses, compel their attendance, and send for persons and papers, in like manner and with the same powers as it is authorized to do by section four of this act.

§ 7. The fees of witnesses shall be one dollar for each day's attendance, and seven cents per mile traveled by the nearest routes in getting to and returning from the place where attendance is required by the court, to be allowed by the Board of State Auditors upon the certificate of the court. All subpoenas shall be signed by the secretary of the court, and may be served by any person of full age authorized by the court to serve the same.

§ 8. Said court shall make a yearly report to the Legislature, and shall include therein such statements, facts and explanations as will disclose the actual working of the court, and such suggestions as to legislation as may seem to them conducive to harmonizing the relations of and disputes between employers and the wage-earning.

§ 9. Each arbitrator shall be entitled to five dollars per day for actual service performed, payable from the treasury of the State. The clerk or secretary shall be appointed from one of their number, and shall receive an annual salary not to exceed twelve hundred dollars, without per diem, per year, payable in the same manner.

§ 10. Whenever the term "employer" or "employers" is used in this act it shall be held to include "firm" "joint stock association," "company" or "corporation," as fully as if each of the last-named terms was expressed in each place. [*Approved July 3, 1889.*]

CALIFORNIA.

An Act to provide for a State Board of Arbitration for the settlement of differences between employers and employes, to define the duties of said board, and to appropriate the sum of twenty-five hundred dollars therefor.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. On or before the first day of May of each year, the Governor of the State shall appoint three competent persons to serve as a State Board of Arbitration and Conciliation. One shall represent the employers of labor, one shall represent labor employes, and the third man shall represent neither, and shall be chairman of the board. They shall hold office for one year

and until their successors are appointed and qualified. If a vacancy occurs, as soon as possible thereafter the Governor shall appoint someone to serve the unexpired term; provided, however, that when the parties to any controversy or difference, as provided in section two of this act, do not desire to submit their controversy to the State board, they may by agreement each choose one person, and the two shall choose a third, who shall be chairman and umpire, and the three shall constitute a Board of Arbitration and Conciliation for the special controversy submitted to it, and shall for that purpose have the same powers as the State board. The members of said board or boards, before entering upon the duties of their office, shall be sworn faithfully to discharge the duties thereof. They shall adopt such rules of procedure as they may deem best to carry out the provisions of this act.

§ 2. Whenever any controversy or difference exists between an employer, whether an individual, copartnership, or corporation, which, if not arbitrated, would involve a strike or lockout, and his employes, the board shall, upon application, as hereinafter provided, and as soon as practicable thereafter, visit, if necessary, the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either, or both, to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the board.

§ 3. Said application shall be signed by said employer, or by a majority of his employes in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work, without any lockout or strike, until the decision of said board, which must, if possible, be made within three weeks of the date of filing the application. Immediately upon the receipt of said application, the chairman of said board shall cause public notice to be given of the time and place for hearing. Should the petitioners fail to keep the promise made therein, the board shall proceed no further thereupon without the written consent of the adverse party. And the party violating the contract shall pay the extra cost of the

board entailed thereby. The board may then reopen the case and proceed to the final arbitration thereof as provided in section two hereof.

§ 4. The decision rendered by the board shall be binding upon the parties who join in the application for six months, or until either party has given the other a written notice of his intention not to be further bound by the conditions thereof after the expiration of sixty days or any time agreed upon by the parties, which agreement shall be entered as a part of the decision. Said notice may be given to the employes by posting a notice thereof in three conspicuous places in the shop or factory where they work.

§ 5. Both employers and employes shall have the right at any time to submit to the board complaints of grievances and ask for an investigation thereof. The board shall decide whether the complaint is entitled to a public investigation, and if they decide in the affirmative, they shall proceed to hear the testimony, after giving notice to all parties concerned, and publish the result of their investigations as soon as possible thereafter.

§ 6. The arbitrators hereby created shall be paid five dollars per day for each day of actual service, and also their necessary traveling and other expenses incident to the duties of their office shall be paid out of the State treasury; but the expenses and salaries hereby authorized shall not exceed the sum of twenty-five hundred dollars for the two years.

§ 7. The sum of twenty-five hundred dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the expenses of the board for the first two years after its organization.

§ 8. This act shall take effect and be in force from and after its passage. [*Approved March 10, 1891.*]

NEW JERSEY.

An Act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employes, and to authorize the creation of a State Board of Arbitration.

SECTION 1. That whenever any grievance or dispute of any nature growing out of the relation of employer and employes

shall arise or exist between employer and employes, it shall be lawful to submit all matters respecting such grievance or dispute, in writing, to a board of arbitrators, to hear, adjudicate and determine the same; said board shall consist of five persons; when the employes concerned in any such grievance or dispute as aforesaid are members in good standing of any labor organization, which is represented by one or more delegates in a central body, the said central body shall have power to designate two of said arbitrators; and the employer shall have the power to designate two others of said arbitrators, and the said four arbitrators shall designate a fifth person as arbitrator, who shall be chairman of the board; in case the employes concerned in any such grievance or dispute as aforesaid are members in good standing of a labor organization which is not represented in a central body, then the organization of which they are members shall have the power to select and designate two arbitrators for said board, and said board shall be organized as hereinbefore provided; and in case the employees concerned in any such grievance or dispute as aforesaid are not members of any labor organization, then a majority of said employes, at a meeting duly held for that purpose, shall designate two arbitrators for said board, and the said board shall be organized as hereinbefore provided.

§ 2. That any board as aforesaid selected may present a petition to the county judge of the county where such grievances or disputes to be arbitrated may arise, signed by at least a majority of said board, setting forth in brief terms the nature of the grievance or dispute between the parties to said arbitration, and praying the license or order of such judge establishing and approving said board of arbitration; upon the presentation of said petition it shall be the duty of the said judge to make an order establishing such board of arbitration and referring the matters in dispute to it for hearing, adjudication and determination; the said petition and order or a copy thereof shall be filed in the office of the clerk of the county in which the said judge resides.

§ 3. That the arbitrators so selected shall sign a consent to act as such, and shall take and subscribe an oath before an officer authorized to administer oaths, to faithfully and impartially discharge his duties as such arbitrator, which consent and oath shall be immediately filed in the office of the clerk

of the county wherein such arbitrators are to act; when the said board is ready for the transaction of business, it shall select one of its members to act as secretary, and the parties to the dispute shall receive notice of a time and place of hearing; the chairman shall have power to administer oaths and to issue subpoenas for the production of books and papers, and for the attendance of witnesses, to the same extent that such power is possessed by the courts of record or the judges thereof in this State; the board may make and enforce the rules for its government and transaction of the business before it and fix its sessions and adjournments, and shall hear and examine such witnesses as may be brought before the board, and such other proof as may be given relative to the matters in dispute.

§ 4. That after the matter has been fully heard, the said board or a majority of its members shall, within ten days, render a decision thereon, in writing, signed by them, giving such details as will clearly show the nature of the decision and the matters adjudicated and determined; such adjudication and determination shall be a settlement of the matter referred to said arbitrators, unless an appeal is taken therefrom as hereinafter provided; the adjudication and determination shall be in duplicate, one copy of which shall be filed in the office of the clerk of the county, and the other transmitted to the secretary of the State Board of Arbitration hereinafter mentioned, together with the testimony taken before said board.

§ 5. That when the said board shall have rendered its adjudication and determination its powers shall cease, unless there may be in existence at the time other similar grievances or disputes between the same classes of persons mentioned in section one, and in such case such persons may submit their differences to the said board, which shall have power to act and adjudicate and determine the same as fully as if said board was originally created for the settlement of such other difference or differences.

§ 6. That within thirty days after the passage of this act the governor shall appoint a State Board of Arbitration, to consist of three competent persons, each of whom shall hold his office for the term of five years; one of said persons shall be selected from a bona fide labor organization of this State. If any vacancy happens, by resignation or otherwise, the Governor shall, in the same manner, appoint an arbitrator for the residue of the term. Said board shall have a secretary, who shall be appointed

by and hold office during the pleasure of the board, and whose duty shall be to keep a full and faithful record of the proceedings of the board, and also possession of all documents and testimony forwarded by the local boards of arbitration, and perform such other duties as the said board may prescribe; he shall have power, under the direction of the board, to issue subpoenas, to administer oaths in all cases before said board, to call for and examine books, papers and documents of any parties to the controversy, with the same authority to enforce their production as is possessed by the courts of record, or the judges thereof, in this State. Said arbitrators of said State board and the clerk thereof shall take and subscribe the constitutional oath of office, and be sworn to the due and faithful performance of the duties of their respective offices before entering upon the discharge of the same. An office shall be set apart in the capitol by the person having charge thereof, for the proper and convenient transaction of the business of said board.

§ 7. That an appeal may be taken from the decision of any local board of arbitration within ten days after the filing of its adjudication and determination of any case. It shall be the duty of the said State Board of Arbitration to hear and consider appeals from the decisions of local boards and promptly to proceed to the investigation of such cases, and the adjudication and determination of said board thereon shall be final and conclusive in the premises upon all parties to the arbitration; such adjudications and determinations shall be in writing, and a copy thereof shall be furnished to each party. Any two of the State Board of Arbitrators shall constitute a quorum for the transaction of business, and may hold meetings at any time or place within the State. Examinations or investigations ordered by the State board may be held and taken by and before any one of their number, if so directed; but the proceedings and decision of any single arbitrator shall not be deemed conclusive until approved by the board or a majority thereof. Each arbitrator shall have power to administer oaths.

§ 8. That whenever any grievance or dispute of any nature shall arise between any employer and his employees, it shall be lawful for the parties to submit the same directly to said State board in the first instance, in case such parties elect to do so, and shall jointly notify said board or its clerk, in writing, of such election. Whenever such notification to said board or its

clerk is given, it shall be the duty of said board to proceed, with as little delay as possible, to the locality of such grievance or dispute, and inquire into the cause or causes of grievance or dispute. The parties to the grievance or dispute shall thereupon submit to said board, in writing, succinctly, clearly and in detail, their grievances and complaints, and the cause or causes thereof, and severally agree, in writing, to submit to the decision of said board as to matters so submitted, and a promise or agreement to continue on in business or at work, without a lockout or strike, until the decision of said board, provided it shall be rendered within ten days after the completion of the investigation; the board shall thereupon proceed to fully investigate and inquire into the matters in controversy, and to take testimony under oath in relation thereto, and shall have power, by its chairman or clerk, to administer oaths, to issue subpoenas for the attendance of witnesses, the production of books and papers, to the same extent as such power is possessed by courts of record, or the judges thereof, in this State.

§ 9. That after the matter has been fully heard, the said board, or a majority of its members, shall, within ten days, render a decision thereon in writing, signed by them or a majority of them, stating such details as will clearly show the nature of the decision, and the points disposed of by them. The decision shall be in triplicate, one copy of which shall be filed by the clerk of the board in the clerk's office of the county where the controversy arose, and one copy shall be served on each of the parties to the controversy.

§ 10. That whenever a strike or lockout shall occur or is seriously threatened in any part of the State, and shall come to the knowledge of the board, it shall be its duty, and it is hereby directed to proceed, as soon as practicable, to the locality of such strike or lockout and put itself in communication with the parties to the controversy, and endeavor by mediation to effect an amicable settlement of such controversy; and, if in its judgment it is deemed best, to inquire into the cause of the controversy, and to that end the board is hereby authorized to subpoena witnesses, compel their attendance, and send for persons and papers, in like manner and with the same powers as it is authorized to do by section eight of this act.

§ 11. That the fees of witnesses of aforesaid State board shall be fifty cents for each day's attendance and four cents per

mile traveled by the nearest route in getting to or returning from the place where attendance is required by the board; all subpoenas shall be signed by the secretary of the board and may be served by any person of full age, authorized by the board to serve the same.

§ 12. That said board shall annually report to the legislature and shall include in their report such statements, facts and explanations as will disclose the actual working of the board, and such suggestions with regard to legislation as may seem to them conducive to harmonizing the relations of and disputes between employers and employes, and the improvement of the present system of production by labor.

§ 13. That each arbitrator of the State board and the secretary thereof shall receive ten dollars for each and every day actually employed in the performance of his duties herein and actual expenses incurred, including such rates of mileage as are now provided by law, payable by the State treasurer on duly approved vouchers.

§ 14. That whenever the term "employer" or "employes" is used in this act it shall be held to include "firm," "joint-stock association," "company," "corporation," or "individual and individuals," as fully as if each of said terms was expressed in each place.

§ 15. This act shall take effect immediately. [*Approved March 24, 1892. P. L., Chap. 137.*]

A Supplement to an act entitled "An act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employes, and to authorize the creation of a State Board of Arbitration," approved March twenty-fourth, eighteen hundred and ninety-two, and to end the term of office of any person or persons appointed under this act.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That Samuel S. Sherwood, William M. Doughty, James Martin, Charles A. Houston, Joseph L. Moore be and they are hereby constituted a board of arbitration, each to serve for the term of three years from the approval of this supplement and that each arbitrator herein named shall receive an annual salary of twelve hundred dollars per annum, in lieu of all fees, per diem compensation and mileage, and one of said

arbitrators shall be chosen by said arbitrators as the secretary of said board and he shall receive an additional compensation of two hundred dollars per annum, the salaries herein stated to be payable out of moneys in the State treasury not otherwise appropriated.

2. And be it enacted, That in case of death, resignation or incapacity of any member of the board, the Governor shall appoint, by and with the advice and consent of the Senate, an arbitrator to fill the unexpired term of such arbitrator or arbitrators so dying, resigning or becoming incapacitated.

3. And be it enacted, That the term of office of the arbitrators now acting as a board of arbitrators, shall, upon the passage of this supplement, cease and terminate, and the persons named in this supplement as the board of arbitrators shall immediately succeed to and become vested with all the powers and duties of the board of arbitrators now acting under the provisions of the act of which this act is a supplement.

4. And be it enacted, That after the expiration of the terms of office of the persons named in this supplement, the Governor shall appoint, by and with the advice and consent of the Senate, their successors for the length of term and at the salary named in the first section of this supplement.

5. And be it enacted, That this act shall take effect immediately. [*Approved March 25, 1895.*]

OHIO.

On March 14, 1893, Ohio adopted a law providing for a State board of arbitration. The statute, as amended May 18, 1894, and April 24, 1896, is as follows:—

An Act to provide for a state board of arbitration for the settlement of differences between employers and their employes and to repeal an act entitled "An act to authorize the creation and to provide for the operation of tribunals of voluntary arbitration, to adjust industrial disputes between employers and employes," passed Feb. 10, 1885.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That within thirty days after the passage of this act, the governor of the state, with the advice and con-*

sent of the senate, shall appoint three competent persons to serve as a state board of arbitration and conciliation in the manner hereinafter provided. One of them shall be an employer or selected from some association representing employers of labor, one of them shall be an employe or an employe selected from some labor organization and not an employer of labor, and the third shall be appointed upon the recommendation of the other two; provided, however, that if the two appointed do not agree on the third man at the expiration of thirty days, he shall be appointed by the governor; and provided, also, that appointments made when the senate is not in session may be confirmed at the next ensuing session.

SECTION 2. One shall be appointed for one year, one for two years, and one for three years, and all appointments thereafter shall be for three years or until their respective successors are appointed in the manner above provided. If, for any reason a vacancy occurs at any time, the governor shall, in the same manner, appoint some person to serve out the unexpired term, and he may remove any member of said board.

SECTION 3. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge thereof. They shall organize at once by the choice of one of their number as chairman, and one of their number as secretary. The board shall, as soon as possible after its organization, establish such rules of procedure as shall be approved by the governor.

SECTION 4. Whenever any controversy or difference not involving questions which may be the subject of a suit or action in any court of the state, exists between an employer (whether an individual, co-partnership or corporation) and his employes, if, at the time he employs not less than twenty-five persons in the same general line of business in this state, the board shall, upon application as hereinafter provided and as soon as practical thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come, or be subpoenaed before them, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute. The term employer in this act includes several employers co-operating with respect to any such controversy or difference, and the term employes includes aggregations of employes of several employers so co-

operating. And where any strike or lock-out extends to several counties, the expenses incurred under this act are not payable out of the state treasury, shall be apportioned among and paid by such counties as said board may deem equitable and may direct.

SECTION 5. Such mediation having failed to bring about an adjustment of the said differences, the board shall immediately make out a written decision thereon. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the said board shall cause a copy thereof to be filed with the clerk of the city or county where said business is carried on.

SECTION 6. Said application for arbitration and conciliation to said board can be made by either or both parties to the controversy; and shall be signed in the respective instances by said employer or by a majority of his employees in the department of the business in which the controversy or difference exists, or the duly authorized agent of either or both parties. When an application is signed by an agent claiming to represent a majority of such employees, the board shall satisfy itself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving such authority shall be kept secret by said board.

SECTION 7. Said application shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work in the same manner as at the time of the application, without any lock-out or strike, until the decision of said board, if it shall be made within ten days of the date of filing said application; provided, a joint application may contain a stipulation that the decision of the board under such joint application shall be binding upon the parties to the extent so stipulated, and such decision to such extent may be made and enforced as a rule of court in the court of common pleas of the county from which such joint application comes, as upon a statutory award.

SECTION 8. As soon as may be, after the receipt of said application, the secretary of said board shall cause public notice to be given of the time and place for the hearing therein, but public notice need not be given when both parties to the controversy join in the application and present therewith a written request

that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order, and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. Should the petitioner or petitioners fail to perform the promise made in said application, the board shall proceed no further therein without the written consent of the adverse party.

SECTION 9. The board shall have power to subpoena as witnesses any operative in the department of business affected, or other persons shown by affidavit, on belief, or otherwise, to have knowledge of the matters in controversy or dispute, and any who keeps the records of wages earned in such departments, and examine them under oath touching such matters, and to require the production of books or papers containing the record of wages earned or paid. Subpoenas may be signed and oaths administered by any member of the board. A subpoena or any notice may be delivered or sent to any sheriff, constable or police officer, who shall forthwith serve or post the same, as the case may be, and make due return thereof according to directions, and for such service he shall receive the fees allowed by law in similar cases, payable from the treasurer of the county wherein the controversy to be arbitrated exists, upon the warrant of the county auditor, issued on the certificate of the board that such fees are correct and due. And the board shall have the same power and authority to maintain and enforce order at its hearings and obedience to its writs of subpoena as by law conferred on the court of common pleas for like purposes.

SECTION 10. The parties to any controversy or difference, as described in section 4 of this act, may submit the matters in dispute, in writing, to a local board of arbitration and conciliation; such board may either be mutually agreed upon, or the employer may designate one of the arbitrators, the employes or their duly authorized agent another, and the two arbitrators so designated may choose a third, who shall be chairman of the board.

SECTION 11. Such local board of arbitration shall, in respect to the matters referred to it, have and exercise all the powers which the state board might have and exercise, and its decision shall have whatever binding effect may be agreed by the parties to the controversy in the written submission. The jurisdiction of such local board shall be exclusive in respect to the matters

submitted to it, but it may ask and receive the advice and assistance of the state board. The decision of said board shall be rendered within ten days of the close of any hearing held by it; such decision shall at once be filed with the clerk of the city or county in which the controversy or difference arose, and a copy thereof shall be forwarded to the state board.

SECTION 12. Each of such arbitrators of such a local board shall be entitled to receive from the treasury of the city or county in which the controversy or difference, that is the subject of the arbitrators exists, if such payment is approved in writing by the city council or the administrative board of such city or board of county commissioners of such county, the sum of three dollars for each day of actual service, not exceeding ten days for any one arbitration.

SECTION 13. Whenever it is made to appear to a mayor or probate judge in this state that a strike or lockout is seriously threatened, or has actually occurred, in his vicinity, he shall at once notify the state board of the fact, giving the name and location of the employer, the nature of the trouble, and the number of employes involved, so far as his information will enable him to do so. Whenever it shall come to the knowledge of the state board, either by such notice or otherwise, that a strike or lockout is seriously threatened, or has actually occurred, in this state, involving an employer and his present or past employes, if at the time he is employing, or, up to the occurrence of the strike or lockout, was employing not less than twenty-five persons in the same general line of business in the state, it shall be the duty of the state board to put itself in communication, as soon as may be, with such employer and employes.

SECTION 14. It shall be the duty of the state board in the above described cases to endeavor, by mediation or conciliation, to effect an amicable settlement between them, or, if that seems impracticable, to endeavor to persuade them to submit the matters in dispute to a local board of arbitration and conciliation, as above provided, or to the state board; and said board may, if it deem it advisable, investigate the cause or causes of such controversy and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes, and assigning such responsibility or blame. The

board shall have the same powers for the foregoing purposes as are given it by section 9 of this act; provided, if neither a settlement nor an arbitration be had because of the opposition thereto of one party to the controversy, such investigation and publication shall, at the request of the other party, be had. And the expense of any publication under this act shall be certified and paid as provided therein for payment of fees.

SECTION 15. Witnesses summoned by the state board shall be allowed the sum of fifty cents for each attendance, and the further sum of twenty-five cents for each hour of attendance in excess of two hours, and shall be allowed five cents a mile for travel each way from their respective places of employment or business to the place where the board is in session. Each witness shall state in writing the amount of his travel and attendance, and said state board shall certify the amount due each witness to the auditor of the county in which the controversy or difference exists, who shall issue his warrant upon the treasury of said county for the said amount.

SECTION 16. The said state board shall make a yearly report to the governor and legislature, and shall include therein such statements, facts and explanations as will disclose the actual workings of the board, and such suggestions as to legislation as may seem to the members of the board conducive to the friendly relations of, and to the speedy and satisfactory adjustment of disputes between employers and employees.

SECTION 17. The members of said board of arbitration and conciliation hereby created shall each be paid five dollars a day for each day of actual service, and their necessary traveling and other expenses. The chairman of the board shall, quarterly, certify the amount due each member and on presentation of his certificate the auditor of state shall draw his warrant on the treasury of the state for the amount. When the state board meets at the capitol of the state, the adjutant general shall provide rooms suitable for such meeting.

SECTION 18. That an act entitled "An act to authorize the creation and to provide for the operation of tribunals of voluntary arbitration to adjust industrial disputes between employers and employes," of the Revised Statutes of the state, passed February 10, 1885, is hereby repealed.

SECTION 19. This act shall take effect and be in force from and after its passage.

LOUISIANA.

An Act to provide for a State Board of Arbitration for the settlement of differences between employers and employes.

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, that within thirty days after the passage of this act, the Governor of the State, with the advice and consent of the Senate, shall appoint five competent persons to serve as a Board of Arbitration and Conciliation in the manner hereinafter provided. Two of them shall be employers, selected or recommended by some association or board representing employers of labor; two of them shall be employes, selected or recommended by the various labor organizations, and not an employer of labor, and the fifth shall be appointed upon the recommendation of the other four; provided, however, that if the four appointed do not agree on a fifth man at the expiration of thirty days, he shall be appointed by the Governor; provided, also, that if the employers or employes fail to make their recommendation as herein provided within thirty days, then the Governor shall make said appointments in accordance with the spirit and intent of this act. Said appointments, if made when the Senate is not in session, may be confirmed at the next ensuing session.

§ 2. Two shall be appointed for two years, two for three years, and one, the fifth member, for four years, and all appointments thereafter shall be for four years, or until their successors are appointed in the manner above provided. If, for any reason, a vacancy occurs at any time, the Governor shall in the same manner appoint some person to serve out the unexpired term.

§ 3. Each member of said board shall, before entering upon the duties of his office, be sworn to the faithful discharge thereof. They shall organize at once by the choice of one of their number as chairman and one of their number as secretary. The board shall, as soon as possible after its organization, establish rules of procedure.

§ 4. Whenever any controversy or difference not involving questions which may be the subject of a suit or action in any court of the State, exists between an employer, whether an individual, copartnership or corporation, and his employes, if at the time he employs not less than twenty persons in the same gen-

eral line of business in any city or parish of this State, the board shall, upon application as hereinafter provided, and as soon as practicable thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, and advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute.

§ 5. Such mediation having failed to bring about an adjustment of the said differences, the board shall immediately make out a written report. This decision shall at once be made public, shall be recorded upon proper books of record, to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the said board shall cause a copy thereof to be filed with the clerk of the court of the city or parish where said business is carried on.

§ 6. Said application for arbitration and conciliation to said board can be made by either or both parties to the controversy, and shall be signed in the respective instances by said employer or by a majority of the employees in the department of the business in which the controversy or difference exists, or the duly authorized agent of either or both parties. When an application is signed by an agent claiming to represent a majority of such employees, the board shall satisfy itself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving authority shall be kept secret by said board.

§ 7. Said application shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work in the same manner as at the time of the application without any lockout or strike until the decision of said board, if it shall be made within ten days of the date of filing said application.

§ 8. As soon as may be after the receipt of said application, the secretary of said board shall cause public notice to be given of the time and place for the hearing therein, but public notice need not be given when both parties join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order, and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. Should the

petitioner or petitioners fail to perform the promise made in said application, the board shall proceed no further therein until said petitioner or petitioners have complied with every order and requirement of the board.

§ 9. The board shall have power to summon as witnesses any operative in the department of the business affected, and any person who keeps the records of wages earned in those departments, and examine them under oath, and to require the production of books and papers containing the record of wages earned or paid. Summons may be signed and oaths administered by any member of the board. The board shall have the right to compel the attendance of witnesses or the production of papers.

§ 10. Whenever it is made to appear to the mayor of a city or the judge of any district court in any parish, other than the parish of Orleans, that a strike or lockout is seriously threatened or actually occurs, the mayor of such city or judge of the district court of such parish shall at once notify the State board of the fact. Whenever it shall come to the knowledge of the State board, either by the notice of the mayor of a city or the judge of the district court of the parish, as provided in the preceding part of this section, or otherwise, that a lockout or strike is seriously threatened, or has actually occurred, in any city or parish of this State, involving an employer and his present or past employes, if at the time he is employing, or up to the occurrence of a strike or lockout was employing not less than twenty persons in the same general line of business in any city or parish in the State, it shall be the duty of the State board to put itself in communication as soon as may be with such employer and employes.

§ 11. It shall be the duty of the State board in the above-described cases to endeavor, by mediation or conciliation, to effect an amicable settlement between them, and to endeavor to persuade them, provided a strike or lockout has not actually occurred or is not then continuing, to submit the matters in dispute to the State Board of Arbitration and Conciliation; and the State board shall, whether the same be mutually submitted to them or not, investigate the cause or causes of such controversy, and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and shall make and publish a report finding such cause or causes

and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given it by section nine of this act.

§ 12. The said State board shall make a biennial report to the Governor and Legislature, and shall include therein such statements, facts and explanations as will disclose the actual workings of the board, and such suggestions as to legislation as may seem to the members of the board conducive to harmonizing the relations of and disputes between employers and employes.

§ 13. The members of said State Board of Arbitration and Conciliation, hereby created, shall each be paid five dollars a day for each day of actual service, and their necessary traveling and other expenses. The chairman of the board shall quarterly certify the amount due each member, and, on presentation of his certificate, the Auditor of the State shall draw his warrant on the treasury of the State for the amount.

§ 14. This act shall take effect and be in force from and after its passage. [*Approved July 12, 1894.*]

WISCONSIN.

[CHAPTER 364.]

An Act to provide for a state board of arbitration and conciliation for the settlement of differences between employers and their employes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

SECTION 1. The governor of the state shall within sixty days after the passage and publication of this act appoint three competent persons in the manner hereinafter provided, to serve as a state board of arbitration and conciliation. One of such board shall be an employer, or selected from some association representing employers of labor; one shall be selected from some labor organization and not an employer of labor; and the third shall be appointed upon the recommendation of the other two; provided, however, that if the two appointed by the governor as herein provided do not agree upon the third member of such board at the expiration of thirty days, the governor shall appoint such third member. The members of said board

shall hold office for the term of two years and until their successors are appointed. If a vacancy occurs at any time the governor shall appoint a member of such board to serve out the unexpired term, and he may remove any member of said board. Each member of such board shall before entering upon the duties of his office be sworn to support the constitution of the United States, the constitution of the state of Wisconsin, and to faithfully discharge the duties of his office. Said board shall at once organize by the choice of one of their number as chairman and another as secretary.

SECTION 2. Said board shall as soon as possible after its organization establish such rules of procedure as shall be approved by the governor and attorney-general.

SECTION 3. Whenever any controversy or difference not the subject of litigation in the courts of this state exists between an employer, whether an individual, co-partnership or corporation, and his employes, if at the time he employs not less than twenty-five persons in the same general line of business in any city, village or town in this state, said board shall upon application as hereinafter provided, and as soon as practicable thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, (if anything,) should be done or submitted to by either or both to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be published in two or more newspapers published in the locality of such dispute, shall be recorded upon proper books of record to be kept by the secretary of said board, and a succinct statement thereof published in the annual report hereinafter provided for, and said board shall cause a copy of such decision to be filed with the clerk of the city, village or town where said business is carried on.

SECTION 4. Said application shall be signed by said employer, or by a majority of his employes in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievances complained of and a promise and agreement to continue in business or at work without any lockout or strike until the decision of said board; provided, however, that said board shall render its decision

within thirty days after the date of filing such application. As soon as may be after the receipt of said application the secretary of said board shall cause public notice to be given of the time and place for the hearing thereof; but public notice need not be given when both parties to the controversy join in the application and request in writing that no public notice be given. When notice has been given as aforesaid the board may in its discretion appoint two expert assistants to the board, one to be nominated by each of the parties to the controversy; provided, that nothing in this act shall be construed to prevent the board from appointing such other additional expert assistants as they may deem necessary. Such expert assistants shall be sworn to the faithful discharge of their duty, such oath to be administered by any member of the board. Should the petitioner, or petitioners, fail to perform the promise and agreement made in said application, the board shall proceed no further thereupon without the written consent of the adverse party. The board shall have power to subpoena as witnesses any operative in the departments of business affected by the matter in controversy, and any person who keeps the records of wages earned in such departments and to examine them under oath, and to require the production of books containing the record of wages paid. Subpoenas may be signed and oaths administered by any member of the board.

SECTION 5. The decision of the board herein provided for shall be open to public inspection, shall be published in a biennial report to be made to the governor of the state with such recommendations as the board may deem proper, and shall be printed and distributed according to the provisions governing the printing and distributing of other state reports.

SECTION 6. Said decision shall be binding upon the parties who join in said application for six months, or until either party has given the other notice in writing of his intention not to be bound by such decision from and after the expiration of sixty days from the date of said notice. Said notice may be given by serving the same upon the employer or his representative, and by serving the same upon the employees by posting the same in three conspicuous places in the shop, factory, yard or upon the premises where they work.

SECTION 7. The parties to any controversy or difference as described in section 3 of this act may submit the matters in

dispute in writing to a local board of arbitration and conciliation; said board may either be mutually agreed upon or the employer may designate one of such arbitrators, the employees or their duly authorized agent another, and the two arbitrators so designated may choose a third, who shall be chairman of such local board; such board shall in respect to the matters referred to it have and exercise all the powers which the state board might have and exercise, and its decision shall have such binding effect as may be agreed upon by the parties to the controversy in the written submission. The jurisdiction of such local board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the state board. Such local board shall render its decision in writing within ten days after the close of any hearing held by it, and shall file a copy thereof with the secretary of the state board. Each of such local arbitrators shall be entitled to receive from the treasurer of the city, village or town in which the controversy or difference that is the subject of arbitration exists, if such payment is approved in writing by the mayor of such city, the board of trustees of such village, or the town board of such town, the sum of three dollars for each day of actual service not exceeding ten days for any one arbitration.

SECTION 8. Whenever it is made to appear to the mayor of a city, the village board of a village, or the town board of a town, that a strike or lockout such as is described in section 9, of this act, is seriously threatened or actually occurs, the mayor of such city, or the village board of such village, or the town board of such town, shall at once notify the state board of such facts, together with such information as may be available.

SECTION 9. Whenever it shall come to the knowledge of the state board by notice as herein provided, or otherwise, that a strike or lockout is seriously threatened, or has actually occurred, which threatens to or does involve the business interests of any city, village or town of this state, it shall be the duty of the state board to investigate the same as soon as may be and endeavor by mediation to effect an amicable settlement between employer and employees, and to endeavor to persuade them, provided a strike or lockout has not actually occurred or is not then continuing, to submit the matters in dispute to a local board of arbitration and conciliation as herein provided for, or to the state board. Said state board may if it deems advisable

investigate the cause or causes of such controversy, ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes and assigning such responsibility or blame.

SECTION 10. Witnesses subpoenaed by the state board shall be allowed for their attendance and travel the same fees as are allowed to witnesses in the circuit courts of this state. Each witness shall certify in writing the amount of his travel and attendance, and the amount due him upon approval by the board shall be paid out of the state treasury.

SECTION 11. The members of the state board shall receive the actual and necessary expenses incurred by them in the performance of their duties under this act, and the further sum of five dollars a day each for the number of days actually and necessarily spent by them, the same to be paid out of the state treasury.

SECTION 12. This act shall take effect and be in force from and after its passage and publication. [*Approved April 19, 1895. Published May 3, 1895.*]

MINNESOTA.

An Act to provide for the settlement of differences between employers and employes, and to authorize the creation of boards of arbitration and conciliation, and to appropriate money for the maintenance thereof.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That within thirty days after the passage of this act the Governor shall, by and with the advice and consent of the Senate, appoint a State Board of Arbitration and Conciliation, consisting of three competent persons, who shall hold office until their successors are appointed. On the first Monday in January, eighteen hundred and ninety-seven, and thereafter, biennially, the Governor, by and with like advice and consent, shall appoint said board, which shall be constituted as follows : One of them shall be an employer of labor, one of them shall be a member selected from some bona fide trade union and not an employer of labor, and who may be chosen from a list submitted by one or more trade and labor assemblies in the State, and the

third shall be appointed upon the recommendation of the other two as hereinafter provided, and shall be neither an employe or an employer of skilled labor; provided, however, that if the two first appointed do not agree in nominating one or more persons to act as the third member before the expiration of ten days, the appointment shall then be made by the Governor without such recommendation. Should a vacancy occur at any time, the Governor shall in the same manner appoint some one having the same qualifications to serve out the unexpired term, and he may also remove any member of said board.

§ 2. The said board shall, as soon as possible after their appointment, organize by electing one of their members as president and another as secretary, and establish, subject to the approval of the Governor, such rules of procedure as may seem advisable.

§ 3. That whenever any controversy or difference arises relating to the conditions of employment or rates of wages between any employer, whether an individual, a copartnership or corporation, and whether resident or non-resident, and his or their employes, if at the time he or it employs not less than ten persons in the same general line of business in any city or town in this State, the board shall, upon application, as hereinafter provided, as soon as practicable thereafter, visit the locality of the dispute and make a careful inquiry into the causes thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be submitted to by either or both to adjust said dispute, and within ten days after said inquiry make a written decision thereon. This decision shall at once be made public and a short statement thereof published in a biennial report hereinafter provided for, and the said board shall also cause a copy of said decision to be filed with the clerk of the district court of the county where said business is carried on.

§ 4. That said application shall be signed by said employer or by a majority of his employes in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievance alleged, and shall be verified by at least one of the signers. When an application is signed by an agent claiming to represent a majority of such employes, the board shall, before proceeding further, satisfy itself that such

agent is duly authorized in writing to represent such employes, but the names of the employes giving such authority shall be kept secret by said board. Within three days after the receipt of said application the secretary of said board shall cause public notice to be given of the time and place where said hearing shall be held. But public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made notice shall be given to the parties interested in such manner as the board may order; and the board may at any stage of the proceedings cause public notice to be given, notwithstanding such request.

§ 5. The said board shall have power to summon as witnesses any clerk, agent or employe in the departments of the business who keeps the records of wages earned in those departments, and require the production of books containing the records of wages paid. Summons may be signed and oaths administered by any member of the board. Witnesses summoned before the board shall be paid by the board the same witness fees as witnesses before a district court.

§ 6. That upon the receipt of an application, after notice has been given as aforesaid, the board shall proceed as before provided, and render a written decision which shall be open to public inspection, and shall be recorded upon the records of the board and published at the discretion of the same in a biennial report which shall be made to the Legislature on or before the first Monday in January of each year in which the Legislature is in regular session.

§ 7. In all cases where the application is mutual, the decision shall provide that the same shall be binding upon the parties concerned in said controversy or dispute for six months, or until sixty days after either party has given the other notice in writing of his or their intention not to be bound by the same. Such notice may be given to said employes by posting the same in three conspicuous places in the shop, factory or place of employment.

§ 8. Whenever it shall come to the knowledge of said board, either by notice from the mayor of a city, the county commissioners, the president of a chamber of commerce or other representative body, the president of the central labor council or assembly, or any five reputable citizens, or otherwise, that what

is commonly known as a strike or lockout is seriously threatened or has actually occurred, in any city or town of the State, involving an employer and his or its present or past employes, if at the time such employer is employing, or up to the occurrence of the strike or lockout was employing, not less than ten persons in the same general line of business in any city or town in this State, and said board shall be satisfied that such information is correct, it shall be the duty of said board, within three days thereafter, to put themselves in communication with such employer and employes and endeavor by mediation to effect an amicable settlement between them, or to persuade them to submit the matter in dispute to a local board of arbitration and conciliation, as hereinafter provided, or to said State board, and the said State board may investigate the cause or causes of such controversy and ascertain which party thereto is mainly responsible for the continuance of the same, and may make and publish a report assigning such responsibility. The said board shall have the same powers for the foregoing purposes as are given them by sections three and four of this act.

§ 9. The parties to any controversy or difference, as specified in this act, may submit the matter in dispute in writing to a local board of arbitration and conciliation ; such board may either be mutually agreed upon, or the employer may designate one of the arbiters, the employes or their duly authorized agent another, and the two arbiters so designated may choose a third, who shall also be chairman of the board. Each arbiter so selected shall sign a consent to act as such, and shall take and subscribe an oath before an officer authorized to administer oaths to faithfully and impartially discharge his duty as such arbiter, which consent and oath shall be filed in the office of the clerk of the district court of the county where such dispute arises. Such board shall, in respect to the matters submitted to them, have and exercise all the powers which the State board might have and exercise, and their decisions shall have whatever binding effect may be agreed to by the parties to the controversy in the written submission. Vacancies in such local boards may be filled in the same manner as the regular appointments are made. It shall be the duty of said State board to aid and assist in the formation of such local boards throughout the State in advance of any strike or lockout, whenever and wherever in their judgment the formation of such local boards will have a tendency to prevent or allay the occurrence thereof. The jurisdiction of such local

boards shall be exclusive in respect to the matters submitted to them; but they may ask and receive the advice and assistance of the State board. The decisions of such local boards shall be rendered within ten days after the close of any hearing held before them; such decision shall at once be filed with the clerk of the district court of the county in which such controversy arose, and a copy thereof shall be forwarded to the State board.

§ 10. Each member of said State board shall receive as compensation five dollars a day, including mileage, for each and every day actually employed in the performance of the duties provided for by this act; such compensation shall be paid by the State Treasurer on duly detailed vouchers approved by said board and by the Governor.

§ 11. The said board, in their biennial reports to the Legislature, shall include such statements, facts and explanations as will disclose the actual workings of the board and such suggestions with regard to legislation as may seem to them conducive to harmonizing the relations of and the disputes between employers and employes; and the improvement of the present relations between labor and capital. Such biennial reports of the board shall be printed in the same manner and under the same regulations as the reports of the executive officers of the State.

§ 12. There is hereby annually appropriated out of any money in the State treasury not otherwise appropriated the sum of two thousand dollars, or so much thereof as may be necessary for the purposes of carrying out the provisions of this act.

§ 13. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 14. This act shall take effect and be in force from and after its passage. [*Approved April 25, 1895.*]

CONNECTICUT.

[CHAPTER CCXXXIX.]

An Act creating a State Board of Mediation and Arbitration.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SECTION 1. During each biennial session of the General Assembly, the Governor shall, with the advice and consent of the Senate, appoint a State Board of Mediation and Arbitration, to consist of three competent persons, each of whom shall

hold his office for the term of two years. One of said persons shall be selected from the party which at the last general election cast the greatest number of votes for Governor of this State, and one of said persons shall be selected from the party which at the last general election cast the next greatest number of votes for Governor of this State, and the other of said persons shall be selected from a bona fide labor organization of this State. Said board shall select one of its number to act as clerk or secretary, whose duty it shall be to keep a full and faithful record of the proceedings of the board, and also to keep and preserve all documents and testimony submitted to said board; he shall have power under the direction of the Board, to issue subpoenas, and to administer oaths in all cases before said board, and to call for and examine the books, papers and documents of the parties to such cases. Said arbitrators shall take and subscribe to the constitutional oath of office before entering upon the discharge of their duties.

§ 2. Whenever any grievance or dispute of any nature shall arise between any employer and his employes, it shall be lawful for the parties to submit the same directly to the State Board of Mediation and Arbitration, in case such parties elect to do so, and shall notify said board, or its clerk, in writing, of such election. Whenever such notification to said board or its clerk is given, it shall be the duty of said board to proceed, with as little delay as possible, to the locality of such grievance or dispute, and inquire into the cause or causes of the grievance or dispute. The parties to the grievance or dispute shall thereupon submit to said board, in writing, succinctly, clearly, and in detail, their grievances and complaints, and the cause or causes thereof, and severally promise and agree to continue in business, or at work, without a strike or lockout, until the decision of said board is rendered; provided, it shall be rendered within ten days after the completion of the investigation. The board shall thereupon proceed fully to investigate and inquire into the matters in controversy, and to take testimony under oath in relation thereto, and shall have power, by its chairman or clerk, to administer oaths, to issue subpoenas for the attendance of witnesses, and the production of books and papers.

§ 3. After a matter has been fully heard, the said board, or a majority of its members, shall, within ten days, render a decision thereon in writing, signed by the members of the board,

or a majority of them, stating such details as will clearly show the nature of the decision and the points disposed of by said board. The decision shall be in triplicate, one copy of which shall be filed by the clerk of the board in the office of the town or city clerk in the town where the controversy arose, and one copy shall be served on each of the parties to the controversy.

§ 4. Whenever a strike or lockout shall occur, or is seriously threatened in any part of the State, and shall come to the knowledge of the board, it shall be its duty, and it is hereby directed to proceed, as soon as practicable, to the locality of such strike or lockout and put itself in communication with the parties to the controversy, and endeavor by mediation to effect an amicable settlement of such strike or lockout; and, if in the judgment of said board it is best, it shall inquire into the cause or causes of the controversy, and to that end the board is hereby authorized to subpoena witnesses, and send for persons and papers.

§ 5. Said board shall, on or before the first day of December in each year, make a report to the Governor, and shall include therein such statements, facts, and explanations as will disclose the actual working of the board, and such suggestions as to legislation as may seem to it conducive to harmony in the relations between employers and employed, and to the improvement of the present system of production.

§ 6. Whenever the term "employer" or "employers" is used in this act it shall be held to include "firm," "joint-stock association," "company" or "corporation," as fully as if each of the last-named terms was expressed in each place.

§ 7. The members of the board shall receive as compensation for actual services rendered under this act, the sum of five dollars per day and expenses, upon presentation of their voucher to the Comptroller, approved by the Governor.

§ 8. This act shall take effect from its passage. [*Approved June 28, 1895.*]

ILLINOIS.

An Act to create a State Board of Arbitration for the investigation or settlement of differences between employers and their employes, and to define the powers and duties of said board.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* As soon as this act shall take effect the Governor, by and with the advice and consent of the Senate, shall appoint three persons, not more than two of whom shall belong to the same political party, who shall be styled a State "Board of Arbitration," to serve as a State Board of Arbitration and Conciliation; one and only one of whom shall be an employer of labor, and one and only one of whom shall be an employé and shall be selected from some labor organization. They shall hold office until March 1, 1897, or until their successors are appointed, but said board shall have no power to act as such until they and each of them are confirmed by the Senate. On the first day of March, 1897, the Governor, with the advice and consent of the Senate, shall appoint three persons as members of said board in the manner above provided, one to serve for one year, one for two years and one for three years, or until their respective successors are appointed, and on the first day of March in each year thereafter the Governor shall in the same manner appoint one member of said board to succeed the member whose term expires, and to serve for the term of three years or until his successor is appointed. If a vacancy occurs at any time, the Governor shall in the same manner appoint some one to serve out the unexpired term. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge thereof. The board shall at once organize by the choice of one of their number as chairman, and they shall, as soon as possible after such organization, establish suitable rules of procedure. The board shall have power to select and remove a secretary, who shall be a stenographer, and who shall receive a salary to be fixed by the board, not to exceed \$1,200 per annum and his necessary traveling expenses, on bills of items to be approved by the board, to be paid out of the State treasury.

§ 2. When any controversy or difference not involving questions which may be the subject of an action at law or bill in

equity, exists between an employer, whether an individual, co-partnership or corporation, employing not less than twenty-five persons, and his employes in this State, the board shall, upon application as herein provided, and as soon as practicable thereafter, visit the locality of the dispute and make a careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by both to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the board shall cause a copy thereof to be filed with the clerk of the city, town or village where said business is carried on.

§ 3. Said application shall be signed by said employer or by a majority of his employes in the department of the business in which the controversy or difference exists, or by both parties, and shall contain a concise statement of the grievances complained of and a promise to continue on in business or at work without any lockout or strike until the decision of said board, if it shall be made within three weeks of the date of filing said application. As soon as may be after the receipt of said application, the secretary of said board shall cause public notice to be given of the time and place for the hearing thereon, but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order, and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. The board shall have the power to summon as witness any operative, or expert in the departments of business affected and any person who keeps the records of wages earned in those departments, or any other person, and to examine them under oath, and to require the production of books containing the record of wages paid. The board shall have power to issue subpoenas, and oaths may be administered by the chairman of the board.

§ 4. Upon the receipt of such application, and after such notice, the board shall proceed as before provided, and render

a written decision, which shall be open to public inspection, shall be recorded upon the records of the board and published at the discretion of the same in an annual report to be made to the Governor before the first day of March in each year.

§ 5. Said decision shall be binding upon the parties who join in said application for six months or until either party has given the other notice in writing of his or their intention not to be bound by the same at the expiration of sixty days therefrom. Said notice may be given to said employés by posting in three conspicuous places in the shop or factory where they work.

§ 6. Whenever it shall come to the knowledge of the State board that a strike or lockout is seriously threatened in the State, involving an employer and his employés, if he is employing not less than twenty-five persons, it shall be the duty of the State board to put itself in communication as soon as may be, with such employer or employés, and endeavor by mediation to effect an amicable settlement between them, or to endeavor to persuade them to submit the matters in dispute to the State board.

§ 7. The members of the said board shall each receive a salary of \$1,500 a year, and necessary traveling expenses, to be paid out of the treasury of the State, upon bills of particulars approved by the Governor.

§ 8. Any notice or process issued by the State Board of Arbitration, shall be served by any sheriff, coroner or constable to whom the same may be directed or in whose hands the same may be placed for service.

§ 9. Whereas, an emergency exists, therefore it is enacted that this act shall take effect and be in force from and after its passage. [*Approved August 2, 1895. Special session.*]

U T A H.

[CHAPTER LXII.]

An Act to create a State Board of Labor, Conciliation and Arbitration, for the investigation and settlement of differences between Employers and their Employes, and to define the Powers and Duties of the said Board, and to fix their Compensation.

Be it enacted by the Legislature of the State of Utah:

SECTION 1. As soon as this act shall be approved, the governor, by and with the consent of the senate, shall appoint three

persons, not more than two of whom shall belong to the same political party, who shall be styled a State Board of Labor, Conciliation and Arbitration, to serve as a State Board of Labor, Conciliation and Arbitration, one of whom and only one of whom shall be an employer of labor, and only one of whom shall be an employee, and the latter shall be selected from some labor organization, and the third shall be some person who is neither an employee nor an employer of manual labor, and who shall be chairman of the board. One to serve for one year, one for three years and one for five years as may be designated by the Governor at the time of their appointment, and at the expiration of their terms, their successors shall be appointed in like manner for the term of four years. If a vacancy occurs at any time, the Governor shall, in the same manner appoint some one to serve the unexpired term and until the appointment and qualification of his successor. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge thereof.

SEC. 2. The board shall at once organize by selecting from its members a secretary, and they shall, as soon as possible after such organization, establish suitable rules of procedure.

SEC. 3. When any controversy or difference, not involving questions which may be the subject of an action at law or bill in equity, exists between an employer (whether an individual, copartnership or corporation) employing not less than ten persons, and his employees, in this State, the board shall, upon application as herein provided, and as soon as practicable thereafter, visit the locality of the dispute, and make a careful inquiry into the cause thereof, hear all persons interested therein, who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute, and make a written decision thereof.

SEC. 4. This decision shall at once be made public, shall be recorded upon the proper book of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for.

SEC. 5. Said application shall be signed by said employer, or by a majority of his employees in the department of the business in which the controversy or difference exists, or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work without any lockout or strike until a decision of said board,

if it shall be made within three weeks of the date of filing the said application.

SEC. 6. As soon as may be after receiving said application, the secretary of said board shall cause public notice to be given, of the time and place for the hearing thereon, but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order, and the board may at any stage of the proceedings, cause public notice, notwithstanding such request.

SEC. 7. The board shall have the power to summon as witnesses by subpoena any operative or expert in the department of business affected, and any person who keeps the records of wages earned in those departments, or any other person, and to administer oaths, and to examine said witnesses and to require the production of books, papers and records. In case of a disobedience to a subpoena the board may invoke the aid of any court in the State in requiring the attendance and testimony of witnesses and the production of books, papers and documents under the provisions of this section. Any of the district courts of the State, within the jurisdiction of which such inquiry is carried on, may, in case of contumacy or refusal to obey a subpoena issued to any such witness, issue an order requiring such witness to appear before said board and produce books and papers if so ordered, and give evidence touching the matter in question. Any refusal to obey such order of the court may be punished by such court as a contempt thereof.

SEC. 8. Upon the receipt of such application and after such notice, the board shall proceed as before provided and render a written decision, and the findings of the majority shall constitute the decision of the board, which decision shall be open to public inspection, shall be recorded upon the records of the board and published in an annual report to be made to the Governor before the first day of March in each year.

SEC. 9. Said decision shall be binding upon the parties who join in said application, or who have entered their appearance before said board, until either party has given the other notice in writing of his or their intention not to be bound by the same, and for a period of 90 days thereafter. Said notice may be

given to said employees by posting in three conspicuous places where they work.

SEC. 10. Whenever it shall come to the knowledge of the State board that a strike or lockout is seriously threatened in the State involving any employer and his employees, if he is employing not less than ten persons, it shall be the duty of the State board to put itself into communication as soon as may be, with such employer and employees, and endeavor by mediation to effect an amicable settlement between them and endeavor to persuade them to submit the matters in dispute to the State board.

SEC. 11. The members of said board shall each receive a per diem of three dollars for each day's service while actually engaged in the hearing of any controversy between any employer and his employees, and five cents per mile for each mile necessarily traveled in going to and returning from the place where engaged in hearing such controversy, the same to be paid by the parties to the controversy, appearing before said board, and the members of said board shall receive no compensation or expenses for any other service performed under this act.

SEC. 12. Any notice or process issued by the State Board of Arbitration shall be served by any sheriff, to whom the same may be directed, or in whose hands the same may be placed for service without charge. [*Approved March 24, 1896.*]

IDAHO.

Idaho was admitted to the Union on July 3, 1890. Article 13 of the constitution of the state contains the following:—

SECTION 7. The legislature may establish boards of arbitration whose duty it shall be to hear and determine all differences and controversies between laborers and their employers, which may be submitted to them in writing by all the parties. Such board of arbitration shall possess all the powers and authority, in respect to administering oaths, subpoenaing witnesses and compelling their attendance, preserving order during the sittings of the board, punishing for contempt, and requiring the production of papers and writings, and all other powers and privileges, in their nature applicable, conferred by law on justices of the peace.

WYOMING.

Wyoming was admitted to the Union on July 11, 1890. Article 5 of the Constitution has the following provisions for the arbitration of labor disputes :

SECTION 28. The legislature shall establish courts of arbitration, whose duty it shall be to hear, and determine all differences, and controversies between organizations or associations of laborers, and their employers, which shall be submitted to them in such manner as the legislature may provide.

SECTION 30. Appeals from decisions of compulsory boards of arbitration shall be allowed to the supreme court of the state, and the manner of taking such appeals shall be prescribed by law.

IOWA.

An Act to authorize the creation and to provide for the operation of tribunals of voluntary arbitration to adjust industrial disputes between employers and employees.

Be it enacted by the General Assembly of the State of Iowa :

SECTION 1. That the district court of each county, or a judge thereof in vacation, shall have power, and upon the presentation of a petition or of the agreement hereinafter named, it shall be the duty of said court, or a judge thereof in vacation, to issue in the form hereinafter named, a license or authority for the establishment within and for each county of tribunals for voluntary arbitration and settlement of disputes between employers and employed in the manufacturing, mechanical or mining industries.

§ 2. The said petition or agreement shall be substantially in the form hereinafter given, and the petition shall be signed by at least twenty persons employed as workmen, and by four or more separate firms, individuals or corporations within the county, or by at least four employers, each of whom shall employ at least five workmen, or by the representative of a firm, corporation or individual employing not less than twenty men in their trade or industry ; provided, that at the time the petition is presented the judge before whom such petition is presented may, upon motion, require testimony to be given as to

the representative character of said petitioners, and if it appears that said petitioners do not represent the will of a majority or at least one-half of each party to the dispute, the license for the establishment of said tribunal may be denied, or may make such other order in this behalf as to him shall seem fair to both sides.

§ 3. If the said petition shall be signed by the requisite number of both employers and workmen, and be in proper form and contain the names of the people to compose the tribunal, being an equal number of employers and workmen, the judge shall forthwith cause to be issued, a license, substantially in the form hereinafter given, authorizing the existence of such tribunal and fixing the time and place of the first meeting thereof, and an entry of the license so granted shall be made upon the journal of the district court of the county in which the petition originated.

§ 4. Said tribunal shall continue in existence for one year from date of the license creating it, and may take jurisdiction of any dispute between employers and workmen in any mechanical, manufacturing or mining industry or business who shall have petitioned for the tribunal or have been represented in the petition therefor, or who may submit their disputes in writing to such tribunal for decision. Vacancies occurring in the membership of the tribunal shall be filled by the judge or court that licensed said tribunal from three names presented by the members of the tribunal remaining in that class in which the vacancies occur. The removal of any member to an adjoining county shall not cause a vacancy in either the tribunal or post of umpire. Disputes occurring in one county may be referred to a tribunal already existing in an adjoining county. The place of umpire in any of said tribunals, and vacancies occurring in such place, shall only be filled by the mutual choice of the whole of the representatives of both employers and workmen constituting the tribunal immediately upon the organization of the same, and the umpire shall be called upon to act after disagreement is manifested in the tribunal, by failure during three meetings held and full discussion had. His award shall be final and conclusive upon such matters as are submitted to him in writing and signed by the whole of the members of the tribunal, or by parties submitting the same.

§ 5. The said tribunal shall consist of not less than two employers or their representatives and two workmen or their

representatives. The exact number which shall in each case constitute the tribunal shall be inserted in the petition or agreement, and they shall be named in the license issued. The said tribunal, when convened, shall be organized by the selection of one of their members as chairman and one as secretary, who shall be chosen by a majority of the members, or, if such majority cannot be had after two votes, then by secret ballot or by lot, as they prefer.

§ 6. The members of the tribunal shall receive no compensation for their services from the city or county, but the expenses of the tribunal, other than fuel, light, and the use of the room and furniture, may be paid by voluntary subscription, which the tribunal is authorized to receive and expend for such purposes. The sessions of said tribunal shall be held at the county seat of the county where the petition for the same was presented, and a room in the courthouse, or elsewhere, for the use of said tribunal, shall be provided by the county board of supervisors.

§ 7. When no umpire is acting, the chairman of the tribunal shall have power to administer oaths to all witnesses who may be produced, and a majority of said tribunal may provide for the examination and investigation of books, documents and accounts pertaining to the matters in hearing before the tribunal, and belonging to either party to the dispute; provided, that the tribunal may unanimously direct that, instead of producing books, papers and accounts before the tribunal, an accountant agreed upon by the entire tribunal may be appointed to examine such books, papers and accounts, and such accountant shall be sworn to well and truly examine such books, documents and accounts as may be presented to him, and to report the results of such examination in writing to said tribunal. Before such examination, the information desired and required by the tribunal shall be plainly stated in writing and presented to said accountant, which statement shall be signed by the members of said tribunal or by a majority of each class thereof. Attorneys at law or other agents of either party to the dispute shall not be permitted to appear or take part in any of the proceedings of the tribunal or before the umpire.

§ 8. When the umpire is acting he shall preside and he shall have all the power of the chairman of the tribunal, and his determination upon all questions of evidence or other questions, in

conducting the inquiries there pending, shall be final. Committees of the tribunal, consisting of an equal number of each class, may be constituted to examine into any question in dispute between employers and workmen which may have been referred to said committee by the tribunal, and such committee may hear and settle the same finally, when it can be done by a unanimous vote; otherwise the same shall be reported to the full tribunal and be there heard, as if the question had not been referred. The said tribunal, in connection with the said umpire, shall have power to make or ordain and enforce rules for the government of the body when in session, to enable the business to be proceeded with in order, and to fix its sessions and adjournments, but such rules shall not conflict with this statute nor with any of the provisions of the constitution and laws of Iowa.

§ 9. Before the umpire shall proceed to act, the question or questions in dispute shall be plainly defined in writing and signed by the members of the tribunal, or a majority thereof of each class, or by the parties submitting the same, and such writing shall contain the submission of the decision thereof to the umpire by name, and shall provide that his decision thereon, after hearing, shall be final. The umpire shall be sworn to impartially decide all questions that may be submitted to him during his term of office. The submission and his award may be made in the form hereinafter given, and said umpire must make his award within ten days from the time the question or questions in dispute are submitted to him. Said award shall be made to the tribunal, and if the award is for a specific sum of money, said award may be made a matter of record by filing a copy thereof in the district court of the county wherein the tribunal is in session. When so entered of record it shall be final and conclusive, and the proper court may, on motion of any one interested, enter judgment thereon; and when the award is for a specific sum of money, may issue final and other process to enforce the same.

§ 10. The form of the joint petition or agreement praying for a tribunal under this act shall be as follows:—

To the district court of county (or to a judge thereof, as the case may be):

The subscribers hereto, being the number and having the qualifications required in this proceeding, being desirous of establishing a

tribunal of voluntary arbitration for the settlement of disputes in the (here name the branch of industry) trade, and having agreed upon A, B, C, D and E, representing the employers, and G, H, I, J and K, representing the workmen, as members of said tribunal, who each are qualified to act thereon, pray that a license for a tribunal in the trade may be issued to said persons named above.

EMPLOYERS.	Names.	Residence.	Works.	Number employed.

EMPLOYEES.	Names.	Residence.	By whom employed.

§ 11. The license to be issued upon such petition may be as follows:—

STATE OF IOWA, } ss.:
COUNTY. }

Whereas, the joint petition and agreement of four employers (or representatives of a firm, corporation or individual employing twenty men, as the case may be) and twenty workmen have been presented to this court (or if to a judge in vacation, so state), praying the creation of a tribunal of voluntary arbitration for the settlement of disputes in the trade within this county, and naming A, B, C, D and E, representing the employers, and G, H, I, J and K, representing the workmen; now, in pursuance of the statute for such case made and provided, said named persons are hereby licensed and authorized to be and exist as a tribunal of voluntary arbitration for the settlement of disputes between employers and workmen, for the period of one year from this date, and they shall meet and organize on the day of A. D. at
Signed this day of A. D.

Clerk of the District Court of

County.

§ 12. When it becomes necessary to submit a matter in controversy to the umpire, it may be in form, as follows:—

We, A, B, C, D and E, representing employers, and G, H, I, J and K, representing workmen, composing a tribunal of voluntary arbitration, hereby submit and refer unto the umpirage of L (the umpire of the tribunal of the trade), the following subject-matter, viz.: (Here state fully and clearly the matter submitted) and we hereby agree that his decision and determination upon the same shall be binding upon us and final and conclusive upon the questions thus submitted, and we pledge ourselves to abide by and carry out the decision of the umpire when made

Witness our names this day of A. D.

(Signatures)

§ 13. The umpire shall make his award in writing to the tribunal, stating distinctly his decision on the subject-matter submitted, and when the award is for a specific sum of money, the umpire shall forward a copy of the same to the clerk of the proper court. [*Approved March 6, 1886.*]

KANSAS.

An Act to establish boards of arbitration, and defining their powers and duties.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the district court of each county, or a judge thereof in vacation, shall have the power, and upon the presentation of a petition, as hereinafter provided, it shall be the duty of said court, or judge, to issue a license, or authority, for the establishment, within and for any county within the jurisdiction of said court, of a tribunal for voluntary arbitration and settlement of disputes between employers and employed, in the manufacturing, mechanical, mining and other industries.

§ 2. The said petition shall be substantially in the form hereinafter given, and the petition shall be signed by at least five persons employed as workmen, or by two or more separate firms, individuals or corporations within the county, who are employers within the county; provided, that at the time the petition is presented, the judge before whom said petition is

presented may, upon motion, require testimony to be taken as to the representative character of said petitioners, and if it appears that the requisite number of said petitioners are not of the character they represent themselves to be, the establishment of the said tribunal may be denied, or he may make such other order in that behalf as shall to him seem fair to both sides.

§ 3. If the said petition shall be signed by the requisite number of either employers or workmen, and be in proper form, the judge shall forthwith cause to be issued a license, authorizing the existence of such a tribunal and containing the names of four persons to compose the tribunal, two of whom shall be workmen and two employers, all residents of said county, and fixing the time and place of the first meeting thereof; and an entry of the license so granted shall be made upon the journal of the district court in the county in which the petition originated.

§ 4. Said tribunal shall continue in existence for one year from the date of the license creating it, and may take jurisdiction of any dispute between employers and workmen in any mechanical, manufacturing, mining or other industry, who may submit their disputes in writing to such tribunal for decision. Vacancies occurring in the membership of the tribunal shall be filled by the judge or court that licensed said tribunal. Disputes occurring in one county may be referred to a tribunal already existing in an adjoining county. Said court at the time of the issuance of said license shall appoint an umpire for said tribunal, who shall be sworn to impartially decide all questions that may be submitted to him during his term of office. The umpire shall be called upon to act after disagreement is manifested in the tribunal by failure to agree during three meetings held and full discussion had. His award shall be final and conclusive upon such matters only as are submitted to him in writing and signed by the whole of the members of the tribunal, or by parties submitting the same. And the award of said tribunal shall be final and conclusive upon the questions so submitted to it; provided, that said award may be impeached for fraud, accident or mistake.

§ 5. The said tribunal when convened shall be organized by the selection of one of their number as chairman, and one as secretary, who shall be chosen by a majority of the members.

§ 6. The members of the tribunal and the umpire shall each receive as compensation for their services, out of the treasury

of the county in which said dispute shall arise, two dollars for each day of actual service. The sessions of said tribunal shall be held at the county seat of the county where the petition for the same was presented, and a suitable room for the use of said tribunal shall be provided by the county commissioners.

§ 7. All submission of matters in dispute shall be made to the chairman of said tribunal, who shall file the same. The chairman of the tribunal shall have power to administer oaths to all witnesses who may be produced, and a majority of said tribunal may provide for the examination and investigation of books, documents and accounts necessary, material, and pertaining to the matters in hearing before the tribunal, and belonging to either party to the dispute. The umpire shall have power when necessary to administer oaths and examine witnesses, and examine and investigate books, documents and accounts pertaining to the matters submitted to him for decision.

§ 8. The said tribunal shall have power to make, ordain and enforce rules for the government of the body, when in session, to enable the business to be proceeded with in order, and to fix its sessions and adjournments; but such rules shall not conflict with this statute, nor with any of the provisions of the Constitution and laws of the State; provided, that the chairman of said tribunal may convene said tribunal in extra session at the earliest day possible in cases of emergency.

§ 9. Before the umpire shall proceed to act, the question or questions in dispute shall be plainly defined in writing, and signed by the members of the tribunal or a majority thereof, or by the parties submitting the same; and such writing shall contain the submission of the decision thereof to the umpire by name, and shall provide that his decision thereon after hearing shall be final; and said umpire must make his award within five days from the time the question or questions in dispute are submitted to him. Said award shall be made to the tribunal; and if the award is for a specific sum of money, said award of money, or the award of the tribunal when it shall be for a specific sum, may be made a matter of record by filing a copy thereof in the district court of the county wherein the tribunal is in session. When so entered of record it shall be final and conclusive, and the proper court may, on motion of anyone interested, enter judgment thereon; and when the award is for a specific sum of money, may issue final and other process to enforce the

same; provided, that any such award may be impeached for fraud, accident or mistake.

§ 10. The form of the petition praying for a tribunal under this act shall be as follows:—

To the district court of _____ county (or a judge thereof, as the case may be): The subscribers hereto, being the number and having the qualifications required in this proceeding, being desirous of establishing a tribunal of voluntary arbitration, for the settlement of disputes in the manufacturing, mechanical, mining and other industries, pray that a license for a tribunal of voluntary arbitration may be issued to be composed of four persons and an umpire, as provided by law.

PENNSYLVANIA.

An Act to establish boards of arbitration to settle all questions of wages and other matters at variance between capital and labor.

Whereas, The great industries of this Commonwealth are frequently suspended by strikes and lockouts, resulting at times in criminal violation of the law and entailing upon the State vast expense to protect life and property and preserve the public peace:

And, whereas, No adequate means exist for the adjustment of these issues between capital and labor, employers and employes, upon an equitable basis where each party can meet together upon terms of equality to settle the rates of compensation for labor and establish rules and regulations for their branches of industry, in harmony with law and a generous public sentiment; therefore,

SECTION 1. Be it enacted, et cetera, That whenever any differences arise between employers and employes in the mining, manufacturing or transportation industries of the Commonwealth which cannot be mutually settled to the satisfaction of a majority of all parties concerned, it shall be lawful for either party, or for both parties jointly, to make application to the Court of Common Pleas wherein the service is to be performed about which the dispute has arisen to appoint and constitute a board of arbitration to consider, arrange and settle all matters at variance between them, which must be fully set forth in the application; such application to be in writing and signed and

duly acknowledged before a proper officer by the representatives of the persons employed as workmen, or by the representatives of a firm, individual or corporation, or by both, if the application is made jointly by the parties; such applicants to be citizens of the United States, and the said application shall be filed, with the record of all proceedings had in consequence thereof, among the records of said court.

§ 2. That when the application duly authenticated has been presented to the Court of Common Pleas, as aforesaid, it shall be lawful for said court, if in its judgment the said application allege matters of sufficient importance to warrant the intervention of a board of arbitrators, in order to preserve the public peace or promote the interests and harmony of labor and capital, to grant a rule on each of the parties to the alleged controversy, where the application is made jointly, to select three citizens of the county, of good character and familiar with all matters in dispute, to serve as members of the said board of arbitration, which shall consist of nine members, all citizens of this Commonwealth; as soon as the said members are appointed by the respective parties to the issue, the court shall proceed at once to fill the board by the selection of three persons from the citizens of the county of well-known character for probity and general intelligence, and not directly connected with the interests of either party to the dispute, one of whom shall be designated by the said judge as president of the board of arbitration. Where but one party makes application for the appointment of such board of arbitration the court shall give notice, by order of court, to both parties in interest, requiring them each to appoint three persons as members of said board within ten days thereafter, and in case either party refuses or neglects to make such appointment, the court shall thereupon fill the board by the selection of six persons who, with the three named by the other party in the controversy, shall constitute said board of arbitration. The said court shall also appoint one of the members thereof secretary to the said board, who shall also have a vote and the same powers as any other member, and shall also designate the time and place of meeting of the said board. They shall also place before them copies of all papers and minutes of proceedings to the case or cases submitted.

§ 3. That when the board of arbitration has been thus appointed and constituted, and each member has been sworn or

affirmed, and the papers have been submitted to them, they shall first carefully consider the records before them, and then determine the rules to govern their proceedings; they shall sit with closed doors until their organization is consummated, after which their proceedings shall be public. The president of the board shall have full authority to preserve order at the sessions, and may summon or appoint officers to assist, and in all ballotings he shall have a vote. It shall be lawful for him, at the request of any two members of the board, to send for persons, books and papers, and he shall have power to enforce their presence and to require them to testify in any manner before the board, and for any wilful failure to appear and testify before said board, when requested by the said board, the person or persons so offending shall be guilty of a misdemeanor, and on conviction thereof in the Court of Quarter Sessions of the county where the offense is committed, shall be sentenced to pay a fine not exceeding five hundred dollars and imprisonment not exceeding thirty days, either or both, at the discretion of the court.

§ 4. That as soon as the board is organized, the president shall announce that the sessions are opened, and the variants may appear with their attorneys and counsel, if they so desire, and open their case; and in all proceedings the applicant shall stand as plaintiff, but when the application is jointly made, the employees shall stand as plaintiff in the case; each party in turn shall be allowed a full and impartial hearing and may examine experts and present models, drawings, statements and any proper matter bearing on the case, all of which shall be carefully considered by the said board in arriving at their conclusions, and the decision of the said board of arbitration shall be final and conclusive of all matters brought before them for adjustment; and the said board of arbitration may adjourn from the place designated by the court for holding its sessions, when it deems it expedient to do so, to the place or places where the dispute arises, and hold sessions and personally examine the workings and matters at variance, to assist their judgment.

§ 5. That the compensation of the members of the board of arbitration shall be as follows, to wit: Each shall receive four dollars per diem and ten cents per mile, both ways, between their homes and the place of meeting, by the nearest comfortable routes of travel, to be paid out of the treasury of the

county where the arbitration is held; and witnesses shall be allowed from the treasury of the said county the same fees now allowed by law for similar service.

§ 6. That the board of arbitrators shall duly execute their decision, which shall be reached by a vote of a majority of all the members by having the names of those voting in the affirmative signed thereon and attested by the secretary, and their decisions, together with all the papers and minutes of their proceedings, shall be returned to and filed in the court aforesaid for safe keeping.

§ 7. All laws and parts of laws inconsistent with the provisions of this act, be and the same are hereby repealed.
[Approved the 18th day of May, A.D. 1893.]

TEXAS.

[CHAPTER 61.]

An Act to provide for the amicable adjustment of grievances and disputes that may arise between employers or receiver and employes, and to authorize the creation of a board of arbitration; to provide for compensation of said board, and to provide penalties for the violation hereof.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That whenever any grievance or dispute of any nature, growing out of the relation of employer and employes, shall arise or exist between employer and employes, it shall be lawful upon mutual consent of all parties, to submit all matters respecting such grievance or dispute in writing to a board of arbitrators to hear, adjudicate, and determine the same. Said board shall consist of five (5) persons. When the employees concerned in such grievance or dispute as the aforesaid are members in good standing of any labor organization which is represented by one or more delegates in a central body, the said central body shall have power to designate two (2) of said arbitrators, and the employer shall have the power to designate two (2) others of said arbitrators, and the said four arbitrators shall designate a fifth person as arbitrator, who shall be chairman of the board. In case the employees concerned in any such grievance or dispute as aforesaid are members in good standing of a labor organization which is not represented in a central

body, then the organization of which they are members shall designate two members of said board, and said board shall be organized as hereinbefore provided; and in case the employees concerned in any such grievance or dispute as aforesaid are not members of any labor organization, then a majority of said employees, at a meeting duly held for that purpose, shall designate two arbitrators for said board, and said board shall be organized as hereinbefore provided: *Provided*, that when the two arbitrators selected by the respective parties to the controversy, the district judge of the district having jurisdiction of the subject matter shall, upon notice from either of said arbitrators that they have failed to agree upon the fifth arbitrator, appoint said fifth arbitrator.

SEC. 2. That any board as aforesaid selected may present a petition in writing to the district judge of the county where such grievance or dispute to be arbitrated may arise, signed by a majority of said board, setting forth in brief terms the facts showing their due and regular appointment, and the nature of the grievance or dispute between the parties to said arbitration, and praying the license or order of such judge establishing and approving of said board of arbitration. Upon the presentation of said petition it shall be the duty of said judge, if it appear that all requirements of this act have been complied with, to make an order establishing such board of arbitration and referring the matters in dispute to it for hearing, adjudication and determination. The said petition and order, or a copy thereof, shall be filed in the office of the district clerk of the county in which the arbitration is sought.

SEC. 3. That when a controversy involves and affects the interests of two or more classes or grades of employees belonging to different labor organizations, or of individuals who are not members of a labor organization, then the two arbitrators selected by the employees shall be agreed upon and selected by the concurrent action of all such labor organizations, and a majority of such individuals who are not members of a labor organization.

SEC. 4. The submission shall be in writing, shall be signed by the employer or receiver and the labor organization representing the employees, or any laborer or laborers to be affected by such arbitration who may not belong to any labor organization, shall state the question to be decided, and shall contain

appropriate provisions by which the respective parties shall stipulate as follows :

1. That pending the arbitration the existing status prior to any disagreement or strike shall not be changed.

2. That the award shall be filed in the office of the clerk of the district court of the county in which said board of arbitration is held, and shall be final and conclusive upon both parties, unless set aside for error of law, apparent on the record.

3. That the respective parties to the award will each faithfully execute the same, and that the same may be specifically enforced in equity so far as the powers of a court of equity permit.

4. That the employees dissatisfied with the award shall not by reason of such dissatisfaction quit the service of said employer or receiver before the expiration of thirty days, nor without giving said employer or receiver thirty days written notice of their intention so to quit.

5. That said award shall continue in force as between the parties thereto for the period of one year after the same shall go into practical operation, and no new arbitration upon the same subject between the same parties shall be had until the expiration of said one year.

SEC. 5. That the arbitrators so selected shall sign a consent to act as such and shall take and subscribe an oath before some officer authorized to administer the same to faithfully and impartially discharge his duties as such arbitrator, which consent and oath shall be immediately filed in the office of the clerk of the district court wherein such arbitrators are to act. When said board is ready for the transaction of business it shall select one of its members to act as secretary and the parties to the dispute shall receive notice of a time and place of hearing, which shall be not more than ten days after such agreement to arbitrate has been filed.

SEC. 6. The chairman shall have power to administer oaths and to issue subpoenas for the production of books and papers and for the attendance of witnesses to the same extent that such power is possessed by the court of record or the judge thereof in this State. The board may make and enforce the rules for its government and transaction of the business before it and fix its sessions and adjournment, and shall herein examine such witnesses as may be brought before the board, and such other proof as may be given relative to the matter in dispute.

SEC. 7. That when said board shall have rendered its adjudication and determination its powers shall cease, unless there may be at the time in existence other similar grievances or disputes between the same class of persons mentioned in section 1, and in such case such persons may submit their differences to said board, which shall have power to act and adjudicate and determine the same as fully as if said board was originally created for the settlement of such difference or differences.

SEC. 8. That during the pendency of arbitration under this act it shall not be lawful for the employer or receiver party to such arbitration, nor his agent, to discharge the employees parties thereto, except for inefficiency, violation of law, or neglect of duty, or where reduction of force is necessary, nor for the organization representing such employees to order, nor for the employees to unite in, aid or abet strikes or boycotts against such employer or receiver.

SEC. 9. That each of the said board of arbitrators shall receive three dollars per day for every day in actual service, not to exceed ten (10) days, and travelling expenses not to exceed five cents per mile actually traveled in getting to or returning from the place where the board is in session. That the fees of witnesses of aforesaid board shall be fifty cents for each day's attendance and five cents per mile traveled by the nearest route to and returning from the place where attendance is required by the board. All subpoenas shall be signed by the secretary of the board and may be served by any person of full age authorized by the board to serve the same. That the fees and mileage of witnesses and the per diem and traveling expenses of said arbitrators shall be taxed as costs against either or all of the parties to such arbitration, as the board of arbitrators may deem just, and shall constitute part of their award, and each of the parties to said arbitration shall, before the arbitration (arbitrators) proceed to consider the matters submitted to them, give a bond, with two or more good and sufficient sureties in an amount to be fixed by the board of arbitration, conditioned for the payment of all the expenses connected with the said arbitration.

SEC. 10. That the award shall be made in triplicate. One copy shall be filed in the district clerk's office, one copy shall be given to the employer or receiver, and one copy to the employees or their duly authorized representative. That the award

being filed in the clerk's office of the district court, as hereinbefore provided, shall go into practical operation and judgment shall be entered thereon accordingly at the expiration of ten days from such filing, unless within such ten days either party shall file exceptions thereto for matter of law apparent on the record, in which case said award shall go into practical operation and judgment rendered accordingly when such exceptions shall have been fully disposed of by either said district court or on appeal therefrom.

SEC. 11. At the expiration of ten days from the decision of the district court upon exceptions taken to said award as aforesaid, judgment shall be entered in accordance with said decision, unless during the said ten days either party shall appeal therefrom to the Court of Civil Appeals holding jurisdiction thereof. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said exceptions and to be decided. The determination of said Court of Civil Appeals upon said questions shall be final, and being certified by the clerk of said Court of Civil Appeals, judgment pursuant thereto shall thereupon be entered by said district court. If exceptions to an award are finally sustained, judgment shall be entered setting aside the award; but in such case the parties may agree upon a judgment to be entered disposing of the subject matter of the controversy, which judgment, when entered, shall have the same force and effect as judgment entered upon an award.

SEC. 12. The near approach of the end of the session, and the great number of bills requiring the attention of the Legislature, creates an imperative public necessity and an emergency that the constitutional rule requiring bills to be read in each house on three several days be suspended, and it is so suspended. [*Approved April 24, 1895.*]

MARYLAND.

An Act to provide for the reference of disputes between employers and employes to arbitration.

SECTION 1. Be it enacted by the General Assembly of Maryland, that whenever any controversy shall arise between any corporation incorporated by this State in which this State may

be interested as a stockholder or creditor, and any person in the employment or service of such corporation, which, in the opinion of the board of public works, shall tend to impair the usefulness or prosperity of such corporation, the said board of public works shall have power to demand and receive a statement of the grounds of said controversy from the parties to the same; and if, in their judgment, there shall be occasion so to do, they shall have the right to propose to the parties to said controversy, or to any of them, that the same shall be settled by arbitration; and if the opposing parties to said controversy shall consent and agree to said arbitration, it shall be the duty of said board of public works to provide in due form for the submission of the said controversy to arbitration, in such manner that the same shall be finally settled and determined; but if the said corporation or the said person in its employment or service, so engaged in controversy with the said corporation, shall refuse to submit to such arbitration, it shall be the duty of the said board of public works to examine into and ascertain the cause of said controversy, and report the same to the next General Assembly.

§ 2. All subjects of dispute arising between corporations, and any person in their employment or service, and all subjects of dispute between employers and employes in any trade or manufacture, may be settled and adjusted in the manner heretofore mentioned.

§ 3. Whenever such subjects of dispute shall arise as aforesaid, it shall be lawful for either party to the same to demand and have an arbitration or reference thereof in the manner following, that is to say: When the party complaining and the party complained of shall come before, or agree by any writing under their hands, to abide by the determination of any judge or justice of the peace, it shall be lawful for such judge or justice of the peace to hear and finally determine in a summary manner the matter in dispute between such parties; but if such parties shall not come before, or agree to abide by the determination of such judge or justice of the peace, but shall agree to submit their said cause of dispute to arbitrators appointed under the provisions of this article, then it shall be lawful for any such judge or justice of the peace, and such judge or justice of the peace is hereby required, on complaint made before him, and proof that such agreement for arbitration has been entered into, to appoint arbitrators for settling the matters in dispute; and

such judge or justice of the peace shall then and there propose no less than two nor more than four persons, one-half of whom shall be employers and the other half employes, acceptable to the parties to the dispute, respectively, who, together with such judge or justice of the peace, shall have full power finally to hear and determine such dispute.

§ 4. In all such cases of dispute as aforesaid, as in all other cases, if the parties mutually agree that the matter in dispute shall be arbitrated and determined in a mode different from the one hereby prescribed, such agreement shall be valid, and the award and determination thereon by either mode or arbitration shall be final and conclusive between the parties. It shall be lawful in all cases for an employer or employe, by writing under his hand, to authorize any person to act for him in submitting to arbitration and attending the same.

§ 5. Every determination of dispute by any judge or justice of the peace shall be given as a judgment of the court over which said judge presides, and of the justice of the peace determining the same; and the said judge or justice of the peace shall award execution thereon as upon verdict, confession or nonsuit; and every award made by arbitrators appointed by any judge or justice of the peace under the provisions of this article shall be returned by said arbitrators to the judge or justice of the peace by whom they were appointed; and said judge or justice of the peace shall enter the same as an amicable action between the parties to the same in the court presided over by said judge or justice of the peace, with the same effect as if said action had been regularly commenced in said court by due process of law, and shall thereupon become a judgment of said court, and execution thereon shall be awarded as upon verdict, confession or nonsuit; and in all proceedings under this article, whether before a judge or justice of the peace or arbitrators, costs shall be taxed as they are now allowed by law in similar proceedings, and the same shall be paid equally by the parties to the dispute; such award shall remain four days in court during its sitting, after the return thereof, before any judgment shall be entered thereon; and if it shall appear to the court within that time that the same was obtained by fraud or malpractice in or by surprise, imposition or deception of the arbitrators, or without due notice to the parties or their attorneys, the court may set aside such award and refuse to give judgment thereon.

MISSOURI.

An Act to provide for a Board of Mediation and Arbitration for the settlement of differences between employers and their employees.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. Upon information furnished by an employer of laborers, or by a committee of employes, or from any other reliable source, that a dispute has arisen between employers and employes, which dispute may result in a strike or lockout, the commissioner of labor statistics and inspection shall at once visit the place of dispute and seek to mediate between the parties, if, in his discretion, it is necessary so to do.

§ 2. If a mediation can not be effected, the commissioner may, at his discretion, direct the formation of a board of arbitration, to be composed of two employers and two employes engaged in a similar occupation to the one in which the dispute exists, but who are not parties to the dispute, and the commissioner of labor statistics and inspection, who shall be president of the board.

§ 3. The board shall have power to summon and examine witnesses and hear the matter in dispute, and, within three days after the investigation, render a decision thereon, which shall be published, a copy of which shall be furnished each party in dispute, and shall be final, unless objections are made by either party within five days thereafter; provided that the only effect of the investigation herein provided for shall be to give the facts leading to such dispute to the public through an unbiased channel.

§ 4. In no case shall a board of arbitration be formed when work has been discontinued, either by action of the employer or the employes; should, however, a lockout or strike have occurred before the commissioner of labor statistics could be notified, he may order the formation of a board of arbitration upon resumption of work.

§ 5. The board of arbitration shall appoint a clerk at each session of the board, who shall receive three dollars per day for his services, to be paid, upon approval by the commissioner of labor statistics, out of the fund appropriated for expenses of the bureau of labor statistics. [Approved April 11, 1889.]

COLORADO.

Section nine of the law creating the Bureau of Labor Statistics of the State of Colorado makes the following provision for settlement of labor disputes :—

§ 9. If any difference shall arise between any corporation or person, employing twenty-five or more employes, and such employes, threatening to result, or resulting in a strike on the part of such employes, or a lockout on the part of such employer, it shall be the duty of the commissioner, when requested so to do by fifteen or more of said employes, or by the employers, to visit the place of such disturbance and diligently seek to mediate between such employer and employes. [*Approved March 24, 1887.*]

NORTH DAKOTA.

Chapter 46, of the Acts of 1890, relating to the Commissioner of Agriculture and Labor, has the following :—

SECTION 7. If any difference shall arise between any corporation or person, employing twenty-five or more employes, and such employes, threatening to result, or resulting in a strike on the part of such employes, or a lockout on the part of such employer, it shall be the duty of the commissioner, when requested so to do by fifteen or more employes, or by the employer, to visit the place of such disturbance and diligently seek to mediate between such employer and employes.

NEBRASKA.

Section four of the law creating the Bureau of Labor and Industrial Statistics of the State of Nebraska is as follows :—

§ 4. The duties of said commissioner shall be to collect, collate and publish statistics and facts relative to manufacturers, industrial classes, and material resources of the state, and especially to examine into the relations between labor and capital ; the means of escape from fire and protection of life and health in factories and workshops, mines and other places of industries ; the employment of illegal child labor ; the exaction of unlawful

hours of labor from any employee ; the educational, sanitary, moral, and financial condition of laborers and artisans ; the cost of food, fuel, clothing, and building material ; the causes of strikes and lockouts, as well as kindred subjects and matters pertaining to the welfare of industrial interests and classes. [*Approved March 31, 1887.*]

PUBLIC DOCUMENT No. 40.

ANNUAL REPORT

OF THE

STATE BOARD OF ARBITRATION
AND CONCILIATION

FOR THE YEAR ENDING DECEMBER 31, 1897.

BOSTON:
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1898.

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CHARLES H. WALCOTT, Chairman.
RICHARD P. BARRY.
CHARLES DANA PALMER.

BERNARD F. SUPPLE, Clerk,
Room 128, State House, Boston.

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TWELFTH ANNUAL REPORT.

To the Senate and House of Representatives in General Court assembled.

In the following pages is contained a report of the work of the State Board of Arbitration and Conciliation for the year 1897, or rather an account of what the Board has done or attempted in the particular cases that are described. From the nature of the business, it necessarily happens that much effort is exerted and time expended of which no specific mention is made in any report; for ever since the formation of the Board its annual reports have been framed with the design of laying before the public in a concise and readable form only the material facts relative to controversies in which the Board has taken action, or so much at least as may serve as a suitable record of the practical workings and results of the plan of arbitration and conciliation in the name of the State as a method of adjusting disputes between employers and

employees. It should be a cause of gratification to know that the reports of this Board are sought for and read by manufacturers, mechanics, laboring men and others; that they are used in the lecture rooms and recitation rooms of colleges and technical schools; and that a larger number of copies even than is now authorized by law might be distributed among appreciative readers. These facts, together with other circumstances of a like tendency, go to prove that, while the work of the Board, taken one year with another, remains about the same in character and extent, without any special enlargement of the sphere of its influence, the belief in arbitration and conciliation as useful and practical methods has not abated, but rather become more extended and more firmly established among those who have given most thought to the solution of the problems of labor and capital. During the year there have been some attempts more or less successful to settle disputes by private arbitration, that is, by a board or committee chosen by the parties themselves for a particular case. In all such cases, this Board has expressed its willingness to co-operate as far as possible with the wishes of the parties concerned, and

some of the cases which are here reported were originally begun in this way and eventually brought to the State Board after unsuccessful attempts to effect a settlement through a board selected by the parties.

During many weeks last summer the principal industry of the active and thriving city of Brockton was seriously affected by a succession of strikes and lockouts in several shoe factories of that city. Some of the differences which then arose were submitted to this Board and were adjusted in a manner fairly satisfactory to the parties concerned; and it may safely be added that none of the disputes which then arose were of such a nature that they could not have been settled in a similar way, either with the assistance of this Board or without it. It is due to the Board of Trade of that city, as well as the Boards of Trade of Lynn and New Bedford, to say that they have exerted a very laudable and efficient influence in their respective cities, by co-operating with us, by counselling moderation and reasonableness, by recommending some form of arbitration as a means of settlement, and by spreading information concerning the aims and methods of the State Board. The results of

disinterested work of this kind done by citizens of good standing and influence in their own communities may not be so immediately conspicuous as in some other kinds of public effort, but such efforts are nevertheless intelligently directed, and if continued must necessarily be productive of good results to the whole Commonwealth.

The Board has taken cognizance during the year of controversies involving persons whose yearly earnings are estimated at \$1,036,360. The total yearly earnings in the factories, etc., involved, under ordinary conditions, are estimated at \$3,840,800.

The expense of maintaining the State Board for the year has been \$10,397.87.

REPORTS OF CASES.

REPORTS OF CASES.

WILLIAMS, CLARK & CO.—LYNN.

Early in December, 1896, an application was received from the employees of Williams, Clark & Co., of Lynn, shoe manufacturers, in the departments of heeling and beating-out. The action of the Board is sufficiently set forth in a decision rendered on January 25, as follows:—

In the matter of the application of employees of Williams, Clark & Co., of Lynn.

PETITION FILED DECEMBER 2, 1896.

HEARING DECEMBER 17.

In this case the employees of Williams, Clark & Co., of Lynn, shoe manufacturers, have made application to this Board, as prescribed by law, asking the Board to investigate certain reductions in the price of labor in their factory, and advise the parties “what, if anything, ought to be done or submitted to by either or both,” to adjust the dispute. There has been no strike. In fact, these proceedings have been resorted to in order to prevent strikes in the city and to substitute

a more rational and business-like method of settling such disputes.

Immediately upon the filing of the application, it was laid by the Board before the firm in a personal interview, and they were asked to join in the application so that both parties might be bound by the decision. After due deliberation, the firm declined to join in the application, for the reason as stated by them, that they could not afford to pay more than the wages indicated by their reduced list. Upon being questioned more particularly, they said that their meaning was, that, in view of the wages paid by their competitors, they could not afford to pay more than the reduced list. The Board proceeded to give notice in the newspapers, as well as a special notice to the firm, of a public hearing which was had at the City Hall in Lynn, on December 17. The firm did not appear at the hearing, but most of the workmen immediately interested, and some from other factories, were present and gave their testimony. An investigation was then made by the Board, with the aid of sworn expert assistants, into the prices and conditions prevailing in other factories which were supposed to be competitors of Williams, Clark & Co. Ten factories were named by the firm as competitors, and others were added to the list either by suggestion of the Board or of the representatives of the workmen. The firm admitted that they had no sufficient knowledge of the prices paid by their competitors, but such information has been obtained by the Board in all but two of the factories on the list. Throughout these proceedings the firm, although for reasons of their own not willing to join, technically

speaking, in the arbitration, have treated the Board with courtesy and have readily supplied such information as desired by the Board.

As a result of the investigation, the Board is unable to find in the prices paid by other manufacturers, even those named by the firm as their closest competitors in the market, any sufficient reason or justification for the reduction which was put in force on December 1, 1896, for the work of beating out, heel-nailing on the National machine, shaving on the Buzzell machine, scouring and breasting heels and burnishing heels.

It is impossible for the Board to foresee all the practical consequences of this decision, but it is natural to expect that the employees will think that the attitude of the firm ought to be changed, or at least reconsidered after this finding by an impartial public board, appointed by law to ascertain and declare what is right for employer and employees in cases of this character. In view of the probability that the mutual relations of the firm and their employees may again be the subject of friendly discussion by them, the Board deems it important that certain things be borne in mind by both parties, viz.:—

It should be noted that this factory has always been a good factory for the employees to work in, and that the relations between the firm and their work people have always been pleasant, and, in the main, mutually satisfactory. There is everything in favor of preserving this condition of things. While in many respects the conditions under which these employees work are sufficiently favorable, it may be, and it so appears to

the Board, that in making the reductions complained of, the firm did not make sufficient allowance for certain other conditions, such as the frequency of small lots, which operate more unfavorably to the workmen in this factory than in any other factory investigated, and the obvious difference between the product of this factory and some others paying lower rates of wages.

The firm said frankly that they could not learn with any certainty the prices paid by their competitors, but the Board has obtained those prices, and in some of the shops cited by the firm, where reductions have lately been put in force, the reduced prices in those shops are nearer to Williams, Clark & Co.'s old prices than to their new list, when quality of work and general conditions are kept in mind. But while the Board has considered, and has given its decision on the question, whether or not the firm's position is justified by the competition of wage lists, it ought nevertheless to be remembered in any future discussion of the subject, that other considerations may, and often do, cause one side or the other to concede something for the sake of harmony and agreement. The firm knows better than anyone else just how hard it is to sell goods in a poor market, already well nigh filled by other sellers equally active and enterprising. Neither employer nor employees need to be told that when times are hard and business depressed, it should be impossible for any difference to arise which cannot be adjusted in some manner, if only temporarily or until business shall improve.

Finally, it is hoped that this firm and their employees will be willing to reconsider all the matters involved in this case, with a disposition, as heretofore shown on both sides, to agree to what is reasonably fair under all the circumstances.

By the Board,

BERNARD F. SUPPLE, *Clerk.*

Result.—For subsequent occurrences see report on page 34.

N. C. GRIFFIN — WAYLAND.

On January 18, a joint application was received from N. C. Griffin, of Cochrane, shoe manufacturer, and his employees in the lasting department, requesting the Board to fix prices for the work of lasting on the Consolidated Hand-Method machine. The workmen had struck, but returned to work as a condition precedent to arbitration proceedings. The action of the Board is sufficiently set forth in the decision rendered February 19, as follows:—

In the matter of the joint application of N. C. Griffin, of Wayland, and the lasters in his employ.

PETITION FILED JANUARY 18.

HEARING, JANUARY 21, 1897.

In this case the Board is requested to fix prices for lasting in the factory of N. C. Griffin, at Cochrane, on the Consolidated Hand Method machine.

Having duly considered the evidence and the statements of parties and expert assistants, and in view of all the circumstances and conditions of the factory in question, the Board recommends that the following prices be paid in this factory:—

Pulling over, pounding up and pulling lasts:		Per Doz. Pairs.
Men's ties and back seams,		\$0.19
Men's brogans, . . . . .		.18
Boys' ties and brogans, . . . . .		.18
Operating, . . . . .		.10
Sole laying by machine, . . . . .		.05½

Extra sizes:

For any dozen including a No. 13, and for any whole

dozen of No. 12's, extra,00½

A sufficient number of racks and lasts to be furnished to the workmen.

By agreement of the parties this decision is to take effect from January 18, 1897.

By the Board,

BERNARD F. SUPPLE, *Clerk.*

Result.—On February 20, a letter was received from Mr. Griffin desiring to know whether the half a cent extra awarded for extra sizes was to be divided between the operator and puller over, or between the sole-layer and pounder-up. On March 1, the Board replied that it was the intention of the Board that the extra amount awarded should be divided into four equal parts and distributed as follows: one each for the two pullers-over and pounders, one for the operator and one for the sole-layer.

The decision was accepted by all concerned.

JOSEPH M. HERMAN & CO.—MILLIS.

A joint application was received on January 22, 1897, from Joseph M. Herman & Co., of Millis, shoe manufacturers, and their employees, concerning the prices paid for the work of sole-tacking and pulling lasts. The firm proposed a reduction of two cents a dozen for the work in question, which was opposed by the workmen.

A hearing of the parties was had on January 27. It appeared from the declaration of the representative of the firm that it was intended in the near future to revise all the prices in the factory with a view to making a product of a lower grade than was then made; and after some discussion and a failure to effect agreement, it was suggested by the Board that in view of the probability of a larger question arising, further proceedings on this subject be deferred, and the employees paid on account in the meantime, until prices should be settled either by agreement or by

arbitration, as circumstances might require. The suggestion was acquiesced in by all concerned, and no objection being made, the application was placed on file, subject to the right of either party to call it up again.

Subsequently, on April 12, at the request of the employees' agent a hearing was assigned for April 21, and the parties were notified accordingly. A reply was received from the firm acknowledging receipt of the notice and stating that the difference had assumed such a form that it could be easily settled by the agreement of the parties, and requesting a postponement of the hearing. The agents of the employees were promptly notified of this communication, and on April 20, the Board was notified that the case had been settled by agreement.

T. D. BARRY & CO.—BROCKTON.

A joint application was received on March 8 from T. D. Barry & Co., of Brockton, shoe manufacturers, and the lasters in their employ, requesting the Board to fix a price for lasting McKay-sewed shoes on the Chase lasting machine; also a price for lasting similar work by hand.

The parties having been heard and the usual investigation made, the Board rendered the following decision on April 30, 1897:—

*In the matter of the joint application of T. D. Barry & Co., of
Brockton, and the lasters in their employ.*

PETITION FILED MARCH 8, 1897.

HEARING, MARCH 12.

The written application in this case calls for the fixing of prices for lasting McKay-sewed shoes on the Chase High Speed Lasting Machine. A price for lasting similar work by hand was also called for by the application; but this part of the case was withdrawn by agreement at the hearing.

Having considered the question of machine lasting, the Board recommends that the following prices be paid in the factory of T. D. Barry & Co., at Brockton, for lasting McKay-sewed work on the Chase High Speed

Lasting Machine, that is, for pulling over, operating and pulling lasts:—

	Per Pair.
Lasting shoes, plain toes,	\$0.04 $\frac{1}{4}$
Lasting shoes, cap toes, . . . . .	.04 $\frac{1}{4}$
Lasting shoes, cap toes and soft box, . . . . .	.05
Lasting shoes, vici kid, extra, . . . . .	.00 $\frac{1}{2}$
Lasting shoes, colored goods, extra, . . . . .	.00 $\frac{1}{2}$

It is further recommended that care be taken by the employer or foreman to keep the workmen supplied with a sufficient number of racks and lasts.

By agreement of the parties, this decision is to take effect from the first day of March, A.D. 1897.

By the Board,

BERNARD F. SUPPLE, *Clerk.*

Result.—The decision was accepted by all concerned.

T. H. JONES.—STONEHAM.

A notice was posted in the shoe factory of T. H. Jones at Stoneham, on January 25, stating in effect that all the employees were thereby discharged, but that on the next day the factory would be opened for all who desired to work on terms prescribed by the firm, that is, upon a reduced price list. Some thirty or more of the employees accepted the price list and returned to work, but the majority did not do so. Thereupon others were hired as opportunity offered, residents of the town being preferred.

On February 2, the Board visited the factory and were informed by the superintendent that the reduction was necessary and reasonable, that there had been a lack of discipline and good order in the factory for some little time, that the employer declined to treat with the unions or their representatives, and must insist upon hiring workmen as individuals; that the determination was to run a "free shop"

and that there was no controversy to settle by arbitration or otherwise.

The Board then called upon the representatives of the lasters' union and were informed that two or three weeks before, a concession had been made to another shop in Stoneham, and it was in contemplation to do as much for Mr. Jones, but before there was opportunity, the discharge came suddenly and the employer put himself in a position antagonistic to the union; that the union had offered to leave the matter to the State Board, but the proposition had not been entertained favorably by the employer. At this time the question was not one of a wage list, but whether the unions were to be recognized.

As Mr. Jones was not accessible at this time, although he had been notified of the Board's coming, a member of the Board called upon him at Stoneham on February 18, but was unable to find him. Again on March 2, the Board made another attempt, and although Mr. Jones was found, his former position was firmly adhered to. On May 25 a last interview was had with Mr. Jones, who stated that he then had two hundred and sixty employees, and had applied to the court for an

injunction against interference of outsiders, that with him it was "free shop or nothing," and that under no consideration would he recognize the union.

In the mean time the contest had proceeded in the usual way in such controversies, with considerable embarrassment to all concerned. On May 28 an injunction was obtained from the Superior Court against "interfering with the plaintiff's business by persuading or attempting to persuade any one in the plaintiff's employment, or by obstructing or interfering with any person who is now or who may hereafter be in the plaintiff's employment, or who may desire to enter the same, as he is approaching or leaving the plaintiff's premises, or by intimidating or attempting to intimidate, physically or morally, by threats or otherwise, any such person, with a view to prevent him, or to prevent other persons from entering or continuing in such employment."

As might be expected, the order of the court brought to an end a wearisome controversy of four months' standing.

BARBOUR STOCKWELL COMPANY—CAMBRIDGE.

On February 5 a controversy arose between the Barbour Stockwell Company of Cambridge and the iron moulders employed by the company. The workmen complained that they were expected to perform a difficult kind of work at the rates for regular work, which in their view of the matter was equivalent to a reduction of wages, and they were asked by the company to sign a written agreement concerning work and wages.

Inquiry was made by the Board, and a committee of the workmen invited to meet the Board and make a statement of their case. They responded so far as to call and inform the Board of the circumstances complained of, adding that the vice-president of their international union expected to meet the officers of the company sometime during the day for the purpose of effecting a settlement, if possible. If, however, no agreement should be reached,

they said that they would willingly place the matter in the hands of the State Board.

No settlement was effected. The Board was not called in; non-union men were hired, and the works have since been operated as usual.

GREGORY, SHAW & CO.—FRAMINGHAM.

In the last annual report of the Board is an account of a strike or lockout in the factory of Gregory, Shaw & Co. at South Framingham, which at the time of making that report was still unsettled. Early in February, 1897, the advice of the Board was sought by the representatives of the former employees, and an attempt was made to have the strike declared off, or some action taken which would at least permit the workmen who desired to return, to do so without loss of their standing in the union. Several interviews were had with the representatives of the workmen. One interview with the firm was had, but no hope was held out that the attitude of the firm would be changed. A final report was made to the workmen, and on March 8 the Board was informed that the union had "declared the contest at an end."

D. A. DONOVAN & CO.—LYNN.

On February 16; notice was received from the firm of D. A. Donovan & Co., of Lynn, shoe manufacturers, stating that a strike had occurred in their factory on the preceding day by reason of a difference about the wages to be paid to their cutters.

The Board promptly placed itself in communication with the parties interested, and on February 17, with the effective co-operation of the Hon. E. B. Hayes with the Board, the difficulty was adjusted by agreement, a copy of which was filed with the Board.

JAMES PHELAN & SONS—LYNN.

On February 24 the Board having received notice of a strike in the factory of James Phelan & Sons, of Lynn, shoe manufacturers, on the part of the hand-sewers in their employ engaged upon "turned" work, separate interviews were had, and later, a conference between the firm and a committee of employees was had at the rooms of the Lynn Board of Trade, in the presence of a member of the State Board, and the secretary of the Lynn Board of Trade.

The offer then made by the firm was submitted on the following day to a meeting of the shop's crew, and afterwards to the union; and after much discussion, and upon the assurance that some changes would be made for the greater convenience of the workmen, the offer was accepted and a settlement agreed to.

HARNEY BROTHERS — LYNN.

On February 24 notice was received of a strike of lasters and sole-fasteners employed by Harney Brothers of Lynn, shoe manufacturers. The next day the Board had communication with the parties. The firm expressed its willingness to leave the question to the State Board, or the local Board of Trade, or any fair tribunal.

At the suggestion of the State Board, committees of conference were appointed, but it was found to be necessary to call in the joint local council. Subsequently on the 26th a committee of the council was chosen, and met the firm at the rooms of the Board of Trade, in the presence of a member of the State Board and the secretary of the Board of Trade. The conference lasted till midnight, and all matters in dispute were adjusted, except one, which was satisfactorily arranged on the following day, and on March 1 all hands returned to work.

LYNN COAL DEALERS—LYNN.

On March 26, 1897, the following decision was rendered:—

In the matter of the joint application of the Coal Dealers of Lynn and the Coal Handlers of that city.

PETITION FILED FEBRUARY 26, 1897.

HEARING, MARCH 3.

This case arises out of a demand on the part of the coal dealers of Lynn for a lower price to be paid for unloading coal at the wharves. There are six gangs of coal handlers in the city, and the Board is expected to award a price per ton, to be divided among the seven men who constitute the gang, and also a price per hour for extra wheelers.

After full hearing and discussion of the circumstances of the case, the Board recommends that the sum of twenty-two cents a ton be paid, and fifty cents an hour for extra wheeling.

By the Board,

BERNARD F. SUPPLE, *Clerk.*

Result.—The decision was accepted by all concerned.

WILLIAMS, CLARK & CO.—LYNN.

On March 8 something like a general strike occurred in the factory of Williams, Clark & Co., of Lynn. The lasters, sole-fasteners, trimmers, heelers, beaters-out and edge-setters, or most of them, left their work. The grievance was the same as at the time of the application made to the Board in December, 1896, the report of which is included in this volume, the firm having done nothing to conform to the recommendations made by the Board. Communication was had with the agent of the lasters' union, who said that the matter was under the direction of the "joint council, No. 4;" and when the firm was advised of the Board's readiness to mediate, the reply was that they had no suggestions to offer.

A few days afterwards the striking employees were paid off, and attempts were made to procure new operatives in their places. On the 14th, the Board called upon the firm and found that a few new men had been hired.

The firm said that the main contention was in the lasting department, and that they were willing to pay as much for lasting as was paid by their competitors in Lynn, but that the lasters wanted a half cent more than their competitors were paying; that they would not recognize the union and would stand by the men whom they had hired since the strike; that they intended to run a "free shop" and had nothing to arbitrate.

On the 18th the joint local council voted to leave the matter to the State Board or any other board "which will equally represent both sides." The following letter was thereupon sent to the firm:—

Boston, March 22, 1897.

Messrs. WILLIAMS, CLARK & Co., *Lynn, Mass.*

GENTLEMEN:—This Board has received formal notice from the Lynn Local Joint Council No. 4, that that body voted on March 18, 1897:—

"That this Council leave the adjustment of the difficulty at Williams and Clark's to arbitration by any board which will equally represent both sides."

We deem it our duty to ask your attention to this action of the Council, and to say that although we understand that the Council would prefer to submit "the difficulty" in question to the State Board, we shall be glad to assist in settling the matter through a local board or committee, to be selected by the parties

directly involved, if for any reason such a course shall appear to be more agreeable to you.

Assuming that a settlement by some means is desired by all parties, we beg to express the hope that a settlement by some form of arbitration will not be prevented by any misunderstanding as to matters of detail, which misunderstanding, if there be any, might be removed by having a conference with this Board. It is unnecessary to say that we shall be glad to confer with you at any time you may desire.

The answer was, in effect, that the firm was not disposed to change their attitude, but in case there should be any change they would advise the Board.

No settlement was effected, and, on or about May 3, the strike was finally declared off.

STRIKE OF GRANITE CUTTERS—BOSTON.

On March 1 a general strike occurred on the part of the granite cutters of Boston and vicinity. The agreement which had subsisted for about four years between the union on the one hand and the association of employers on the other hand, and was founded upon the decision of this Board rendered in the case of the Hallowell Granite Company on May 7, 1887, had come to an end, and the cutters desired certain material alterations to be made before the agreement should be renewed, viz.: that thirty-one cents per hour should be the minimum wages; that the clause as to no discrimination between union men and non-union men should be left out; that "a suspension of work on buildings in course of construction or undergoing repairs or alterations, at the request of the Building Trades Council of Boston and Vicinity, is not to be considered a violation of this agreement."

On the second day of the strike the Board communicated with the representatives of the

granite cutters and obtained their views of the matters in controversy and, later in the same day, a committee of the workmen called upon the Board by appointment, and in reply to a question said that if the Board should see fit to arrange for a conference with the employers, they, the committee, would be willing to meet a committee of the employers. On the following day the Board sought and obtained an interview with Henry Murray, one of the employers who was understood to be president of the association. A conference was suggested to take place between the employers and the representatives of the union, in the presence of the State Board. Mr. Murray seemed not to favor the suggestion, but said that he would lay the matter before a meeting of his executive board which was to take place on the 5th.

Subsequently it was learned from Mr. Murray that he had reported the suggestion of conference to his board, and that it was not favorably received. The employers gradually obtained new workmen, and although the strike was continued, in form at least, throughout the month, nothing further occurred to attract the Board's attention to it. It was formally declared off on or about March 31.

T. D. BARRY & CO.—BROCKTON.

At Brockton, on March 12, while the Board was hearing the case presented by T. D. Barry & Co. and the lasters employed by them, it was reported that the edgemakers and sole-fasteners employed in the same factory had gone out on a strike demanding to be paid by the piece instead of by the hour, as they were then paid. The firm promptly announced that they would give the strikers an opportunity to return to work at any time until and including the morning of the next day, and submit any grievance that they might have to the State Board, according to an agreement previously entered into between the firm and the joint local council, representing various unions. It appeared, however, that the sole-fasteners and edgemakers were no longer represented in the joint local council, having withdrawn therefrom at the time when the policy of arbitration was adopted. Subsequently on the same day the Board called on the representatives of the striking workmen. They insisted upon their demand for a piece price

and said that the strikers would not return until the demand was granted, but expressed themselves as willing to meet the firm in a conference with the State Board, if desired.

The firm then being called upon made an elaborate statement of the earnings in their factory, and a list of manufacturers in Brockton who paid their workmen by the day and by the piece respectively. The firm considered the position taken by the strikers to be a plain breach of the agreement made with the joint council which, at the date of the agreement certainly, represented the edgemakers and sole-fasteners, and as they persisted in refusing to return to work until their demands were granted, the firm said that there was no need of any assistance from the strikers, and anticipated no trouble in filling their places; they did not fear any extension of the strike, because they believed that all the other departments considered themselves bound by the agreement made with the firm by the joint council.

Under these circumstances, the Board had no further suggestions to make. The strikers went their way, the remaining employees, who thought they knew when they were well off, remained at work, and the places of those who had left were promptly filled.

F. M. SHAW & SON—BROCKTON.

On March 10 a strike occurred in the sole-leather department of F. M. Shaw & Son, Brockton, and the Board being in that city on the 12th, called by request at the factory to learn the situation, and were informed at the office that the workmen in question had been employed in cutting lifts, in an outside shop, and complained that they had been given heavier stock to cut, and could not therefore earn so much as formerly.

The Board did not see any of the workmen, who were said to be nineteen Swedes and unable to speak English, and the firm made light of the affair, saying that in view of the condition of business it was not their intention or wish to continue that part of the work which had been done by the striking workmen.

Nothing further was heard of the occurrence.

WHITMAN & KEITH—BROCKTON.

On March 19, having received notice of a lockout in the factory of Whitman & Keith at Brockton, the Board went to that city and called upon the firm at their factory. They said that on March 18 they had discharged all their employees because of an apprehension that the men were about to strike, although it was admitted that no formal demand had been made upon the firm. They had given notice to their former employees that the foremen of departments would be on hand at the factory on Saturday, March 20, for the purpose of meeting all applicants for work who felt competent and willing to act as individuals; that former prices would be maintained and former employees preferred. Arbitration was suggested but the proposal was not favorably entertained.

A breach between the Boot and Shoe Workers' Union on the one hand, and the Sole-fasteners' and Edge-makers' Union on the other, assisted the firm to employ again a good portion of

their old employees and the factory resumed operations on the 22d. A few days later, strikes were ordered by all the unions, and matters were worse than ever. The struggle with the unions continued for some time, occasionally former employees drifted back, and in process of time the controversy died out without any settlement.

T. D. BARRY & CO.—BROCKTON.

On March 27 a joint application was received from T. D. Barry & Co., of Brockton, shoe manufacturers, and the treers employed by them, alleging a difference as to price to be paid for treeing.

Pursuant to notice given, the Board met at Brockton on April 16, at which time Mr. Barry of the firm appeared and presented a paper purporting to be signed by the treers then employed, or a majority of them, saying that they were "satisfied with the present prices paid for treeing, and are willing to work for those prices until July 1st, 1897." George H. Lord, who had signed the application as agent and in behalf of those employed at the date of the application, was present, and did not question the genuineness of the certificate presented by the firm; nor did he profess to represent a majority of the treers then at work in the factory in question. There appearing upon this statement of facts to be no difference to be adjusted by the Board, the application was dismissed.

T. D. BARRY & CO.—BROCKTON.

On March 29 a joint application was received from T. D. Barry & Co., of Brockton, shoe manufacturers, and their employees in the finishing department, requesting the Board to act upon a new price list for finishing.

Pursuant to notice given, the Board met the parties for the purpose of a hearing, at Brockton, on April 16; but in view of the disposition previously made of the application of the treers, F. J. McSherry, who appeared as agent of the finishers, requested leave to withdraw the application. The firm agreed, and the application was accordingly dismissed.

F. B. ABBOTT COMPANY — LYNN.

On April 2 a joint application was received from the F. B. Abbott Company of Lynn, shoe manufacturers, alleging that the turned workmen had requested an increase of wages. A hearing was given on April 7, and on May 5 the following decision was rendered:—

In the matter of the joint application of the F. B. Abbott Company, of Lynn, and its employees.

PETITION FILED APRIL 2, 1897.

HEARING, APRIL 7.

In this case the Board is called upon to fix prices for making Goodyear turned Oxfords by teams of two men each. After due hearing and consideration of all the circumstances of the case, the Board recommends that the following prices be paid for such work in the factory of the F. B. Abbott Company at Lynn:—

	Per Pair.
Oxfords, sewed seat (plain toe, or hard tip, or patent calf tip),	\$0.10
Oxfords, white tag, nailed seat (plain toe, or hard tip, or patent calf tip), . . . . .	.12
For pointed toes, extra, . . . . .	.02

By agreement of the parties, this decision is to take effect from April 1, 1897.

By the Board,

BERNARD F. SUPPLE, *Clerk.*

Result.—The decision was accepted in good faith ; but soon after the announcement of the decision, a complaint was received from the workmen, alleging an error on the part of the Board. The expert assistants were thereupon called in, and after consultation they undertook at the request of the Board to try to accommodate matters without re-opening the case. Subsequently they reported that the company was willing to make some concession, and the Board heard nothing more from it.

The underlying difficulty in the case was that the company was attempting to make turned work in Lynn where, in comparison with Haverhill, very little of the kind of work in question was done. For this and other reasons the company did not make much work of this class in the year last past.

SPRINGFIELD BREWERIES—SPRINGFIELD.

On April 14 a communication was received from the Mayor of Springfield containing notice of a strike which had occurred on the 13th on the part of men employed in the breweries of that city. It appeared by the morning papers that a settlement had been reached and upon communicating with the mayor it was learned that the report was correct, and the services of the Board were not required.

CHARLES W. DEAN—WAYLAND.

On April 21 the Board was informed that a strike had occurred in the factory of Charles W. Dean at Cochituate. The employer was willing to leave the matter to the State Board, but the employees most directly involved preferred to have a local board of arbitration.

The Board invited the firm and representatives of the employees to meet the Board in conference. Such a meeting accordingly took place at the factory on April 23. It appeared that the employees of all departments were out, and that there was a difference as to the wages of treers. The employees, after a full discussion, still adhered to their preference for a local board. The State Board expressed its willingness to assist in forming a local board if the parties preferred it, but could not see how there could be any arbitration unless the employees returned to work. Then it appeared that the employees were unwilling to return to work until two objectionable persons should

be discharged. The employer firmly refused to discharge the persons referred to. At the suggestion of the State Board, Mr. Dean then waived his preference for the State Board and agreed to refer the matter to a local board, provided it should confine itself to questions of prices. The local committee agreed to lay the proposal before the shop's crew. Subsequently Mr. Dean informed the Board that objection had been withdrawn as to one of the persons objected to, but his proposal had been disagreed to. Thereupon he gave the Board formal notice of a strike; due notice thereof was given to the workmen. On April 27, another meeting of the shop's crew was held and it was voted to waive their demand for the discharge of the obnoxious employees and return to work on May 3; and on the 10th a joint application was received placing the matter in the hands of this Board. Subsequently, after hearing the parties, the following decision was rendered on July 11, 1897:—

*In the matter of the joint application of Charles W. Dean & Co.,
of Wayland (Cochituate), and the treers in their employ.*

PETITION FILED MAY 10, 1897.

HEARING, MAY 12.

The question presented in this case involves prices for treeing shoes by hand by either of two processes.

After hearing the parties interested, and pursuing the usual investigation through the means of expert assistants, the Board recommends that in the factory of Charles W. Dean & Co. at Cochituate, the following prices be paid:—

Treeing shoes by boot process:						Per Doz. Pairs.
Kip and split ties, men's,	.	.	.	.	.	\$0.27
Kip and split ties, boys',	.	.	.	.	.	.22
Treeing shoes by "stiff and bright process":						
Kip and split ties, men's,	.	.	.	.	.	.24
Kip and split ties, boys',	.	.	.	.	.	.20
Samples, to be treed by boot process:						
Grain, all kinds,	.	.	.	.	.	.30
Kip and split ties, men's,	.	.	.	.	.	.54
Kip and split ties, boys',	.	.	.	.	.	.44

The above prices are intended to cover extra sizes and edge-stitched shoes.

By the Board,

BERNARD F. SUPPLE, *Clerk.*

Result.—The decision was accepted by all concerned.

APSLEY RUBBER COMPANY—HUDSON.

On or about May 19 a reduced wage list was announced in the factory of the Apsley Rubber Company at Hudson. Objection was made by the employees, and after some discussion it was agreed by both sides to submit the prices to arbitration. On the 21st the employees by their agents filed an application with this Board in the usual form. No attempt was made at once to bring the application to the attention of the employer, for the reason that the applicants requested delay, in order that lists of the prices in question might be carefully prepared and verified by both sides. On May 28 the Board was requested by the employees to proceed, and communication being had with Mr. L. D. Apsley by telephone, he expressed to the Board his consent to join in the application and proceed with the case. On June 2, however, and before the company had signed anything in token of agreement to submit the case to arbitration, the situation was materially changed by reason of an

unwise act of the company. The 2d was pay-day, and when the employees received their envelopes, they found to their astonishment that, in addition to the reduction which had been announced, and to which they had decided to submit, pending arbitration, about thirty per cent. more had been withheld. The employees demanded the reason of this and were told that the additional thirty per cent. was withheld in anticipation of a decision which would establish prices even lower than the company's reduced list. This explanation, as may readily be believed, was not satisfactory, and for the greater part of a day the stitchers sat at their machines refusing to work until their money should be paid to them. Thereupon the company discharged all the employees and posted a price list under which it was announced that the factory would open on the following Monday. All who wished work were notified to apply at the office in person. Thus all attempts at a settlement by arbitration were wrecked, and the company declared its factory a "free shop."

On June 4, the day next after the lockout, the Board visited Hudson, met a committee of the employees, men and women, and having heard their statements, called on Mr. Apsley,

the president of the company, whose account of what had occurred was substantially the same as the Board had already received. A conference with the employees was recommended, but Mr. Apsley expressed himself as satisfied with what he had done, and thought it best for all concerned that he should adhere to the position already taken by him. He had, however, given directions that the operatives should be paid all their earnings in full.

In accordance with the notice given, the factory was reopened on June 14, under a price list prepared by the company and claimed to be higher than the highest paid by competitors. Many of the old employees acting under the influence and advice of this Board, returned and applied for work, in order to test the price list, especially as the president of the company assured them and also promised this Board that, if upon actual trial it should be ascertained that the employees could not earn fair wages, he would make such changes in their favor as might be necessary. In consequence of this assurance, and for other reasons, most of the employees returned to work, but on the very next day the Board was notified that the dissatisfaction was so great and was so

openly expressed that a strike might occur at any moment. Accordingly the Board visited the place again on the 16th, and had separate interviews with the president and the employees. The Board urged the employees to continue at work long enough at least to give the new wage list a fair trial, adding that nothing short of two or three weeks would afford such a test, and that they ought to be more patient, after having decided of their own free will to return to work under the assurances of their employer. It was, however, impossible to stem the tide, and two days afterwards the employees left work. New workmen, many of them unacquainted with the trade, were hired to fill the places of the former employees, who were persons of exceptional skill and large experience in the work. So far as the Board has been informed, no further attempts have been made at a settlement.

JAMES PHELAN & SONS—LYNN.

On July 28 the following decision was rendered concerning wages in the factory of James Phelan & Sons, Lynn:—

In the matter of the joint application of James Phelan & Sons, of Lynn, and their employees.

PETITION FILED JUNE 30, 1897.

HEARING, JULY 2.

This application presents the question of wages to be paid for lasting and re-lasting women's turned Oxfords, two men working together as a team.

After full consideration, the Board recommends that the following prices be paid in the factory of James Phelan & Sons, at Lynn:—

	Per Pair.
Sewed heel seats, round toes,	\$0.10
Sewed heel-seats, razor toes, . . . . .	.12
Nailed heel-seats, round toes, . . . . .	.12
Nailed heel-seats, razor toes, . . . . .	.14

By agreement of the parties, this decision is to take effect to-day, and to remain in force until June 1, 1898.

By the Board,

BERNARD F. SUPPLE, *Clerk.*

Result.—The decision was accepted by all concerned.

THE S. H. HOWE SHOE COMPANY—MARLBOROUGH.

On or about June 1 a general reduction of wages was proposed in the several shoe factories in Marlborough owned by the S. H. Howe Shoe Company. After conferring with the employees through their representatives, a reduction of five per cent. was agreed to for a stated time, that is until May 1, 1898, but after much discussion, eleven items in the stitching and bottoming departments still remained unsettled. And in accordance with the custom which has for years prevailed in Marlborough, both parties finding that they could not agree upon the prices, agreed to leave the matter to the decision of the State Board.

On September 15, the following decision was rendered :—

In the matter of the joint application of the S. H. Howe Shoe Company, of Marlborough, and its employees.

PETITION FILED JULY 14, 1897.

HEARING JULY 19.

In this case certain items have been submitted to the Board by agreement of the parties. After careful consideration, the Board recommends that the follow-

ing prices be paid, as per agreement of the parties in the four factories of the S. H. Howe Shoe Company, in Marlborough, to take effect from June 1, 1897:—

	Per 12 Pairs.
McKay sewing, men's,	\$0.08½
McKay sewing, boys' and youths', . . . . .	.08
Pegging, Davy machine, one row on last, women's and misses', . . . . .	.04½
Pegging, two rows, pegged toe, horn pegger, women's and misses', . . . . .	.05½
Pegging on last, two rows, children's, . . . . .	.05
Pegging, two rows, pegged toe, half double sole or tap, horn pegger, men's, . . . . .	.07½
Pegging, two rows, pegged toe, half double sole or tap, horn pegger, boys', . . . . .	.06½
Stitching creole gores, unlined, two rows, Wheeler & Wilson machine, . . . . .	.12
Stitching creole gores, lined, two rows, Wheeler & Wilson machine, . . . . .	.21
Stitching congress gores without V, . . . . .	.17
Vamping, flat, two rows, Singer machine, men's, boys' and youths', . . . . .	.09½
Vamping, flat, three rows, Union Special machine, men's, boys' and youths', . . . . .	.09½
Vamping, flat, three rows, waxed, Merrick machine, men's, boys' and youths', . . . . .	.09½
Vamping, two rows, waxed, Merrick machine, two-needle, men's, boys' and youths', . . . . .	.09
Trimming front and stitching top, No. 8 circular seam, one-needle Wheeler & Wilson, women's, misses' and children's, . . . . .	.09
Trimming front and cording top, Wheeler & Wilson or Singer machine, one-needle, men's, boys' and youths' . . . . .	.06
Closing on turned tops, Bals, one-needle Wilcox & Gibbs or Singer machine, chain stitch, men's, boys' and youths', . . . . .	.03

Trimming heels, regular, Union machine, men's, boys' and youths',	Per 12 Pairs. \$0.03½
Trimming heels, enamel or vici, Union machine, men's, boys' and youths', . . . . .	.03½

By the Board,

BERNARD F. SUPPLE, *Clerk.*

Result. — The decision was accepted by all concerned.

HARNEY BROTHERS—LYNN.

On July 22 occurred a strike of the cutters employed by Harney Brothers of Lynn, shoe manufacturers. Two days afterwards the Board opened communication with both sides to the dispute, which arose out of a reduction in the price list for cutting. It was ascertained that the firm would consent to submit the question of wages to the State Board and re-instate the strikers, pending arbitration. On the 26th, the executive board of the Knights of Labor voted to join in an application to the State Board and permit all the men to return to work who wished to do so, but stipulating that they should return under the former prices and not under the reduced scale, pending arbitration. The firm being advised of this action, adhered to its original position, but said they would not agree to pay former prices pending a decision. The next day the situation was made more difficult by a vote of the shop's crew, to the effect that they should not only

insist upon the former prices, pending arbitration, but should object to going to work with men who had been hired by the firm since the beginning of the strike. The firm being informed by the State Board of the condition of affairs, said that on the whole they were as well satisfied to let matters stay as they were; that they had succeeded beyond their expectation in obtaining a sufficient number of new cutters; that they no longer desired the return of the strikers; that they would not treat with or recognize the union in any way, and requested the State Board to take no further action in the matter.

Subsequently, however, the matter was settled on or about August 16, under an agreement fixing the wages, and providing that the men who had been hired during the strike should be retained and all of the old employees who wished to return to work were to be re-instated.

C. F. DRISCOLL — HOLLISTON.

A joint application was received on August 25 from C. F. Driscoll, of Holliston, shoe manufacturer, and his employees, relating to wages. The case was assigned for a hearing on August 30, and the parties notified accordingly. But on the 28th a letter was received from John F. Tobin, representing the employees, stating that nearly all the items in dispute had been settled by agreement, and suggesting that further time be allowed to enable the parties to come to an agreement concerning what was left. Accordingly, with the approval of the employer, the hearing was postponed, subject to the action of either party.

Subsequently, on September 27, Mr. Tobin informed the Board that all the items, except the lasting, had been settled, but that it would be necessary for the Board to settle that part of the controversy.

A hearing was accordingly had at Holliston on October 28, and five days later the following decision was rendered: —

*In the matter of the joint application of C. F. Driscoll, of
Holliston, and his employees.*

PETITION FILED AUG. 23, 1897.

HEARING, OCT. 8, 1897.

Since the filing of the application in this case, the parties concerned have settled by agreement all the differences between them, except the price for lasting boys' split boots.

Having duly considered this matter, the Board recommends that the sum of forty-one and one-half cents per dozen pairs be paid in the factory in question for lasting boys' boots by hand.

By agreement of the parties this decision is to take effect from the twentieth day of August, A.D. 1897.

By the Board,

BERNARD F. SUPPLE, *Clerk.*

Result. — The decision was accepted by all parties concerned.

B. H. SPAULDING — MILFORD.

On August 24 the State Board received notice that on the day next preceding a strike had occurred in the factory of B. H. Spaulding, of Milford, manufacturer of straw goods. The point at issue was a proposed reduction of wages for sewing straw braid of different kinds and qualities. After a conference between the employer and employees, all agreed that work should be resumed and the dispute left to the decision of the State Board. A formal application was made and signed, and a hearing was had at the factory on August 31. Subsequently on September 29 the following decision was rendered:—

*In the matter of the joint application of B. H. Spaulding,
of Milford, and his employees.*

PETITION FILED AUG. 25, 1897.

HEARING, AUG. 31, 1897.

In this case the Board is requested to pass upon a proposed reduction in the wages for sewing braids for straw hats.

After careful consideration, the Board recommends that the following prices be paid in the factory of B. H. Spaulding, at Milford:—

By agreement of the parties, this decision is to take effect from this date and continue in force for the term of one year.

By the Board,

BERNARD F. SUPPLE, *Clerk.*

Result. — The decision was accepted by all concerned.

GEORGE G. SNOW—BROCKTON.

On August 19 a strike occurred on the part of the lasters employed by George G. Snow, of Brockton, shoe manufacturer. The point at issue was a reduction in wages. On the 25th the State Board visited the city and conferred with both sides. It was learned that the employer had made an agreement for one year with the Consolidated Hand-Method Lasting Machine Company to do his Goodyear lasting, and that he had nothing to arbitrate with his workmen. The agent of the lasters said that he understood that such an agreement had been entered into, that he and those whom he represented were disposed to treat Mr. Snow fairly, and would consent, if necessary, to come to the State Board.

The machine company then undertook to effect a settlement of wages with the union, but the lasters refused to negotiate with the

company, saying that their difference was with Mr. Snow.

The Board exerted all its influence in recommending arbitration in some form, and on September 2 a settlement was effected by agreement of the parties.

STAR BREWING COMPANY—BOSTON.

On August 31 an application was received from the Star Brewing Company, of Boston, stating as the cause of dispute the fact that a certain man employed as a driver, had been discharged, as the company alleged, for good and sufficient reasons. Upon inquiry into the circumstances it was learned that the driver in question had been discharged for serious misconduct, and when discharged, the union had demanded that the matter be submitted to arbitration under a standing agreement between the company and its employees. When asked to name arbitrators, the unions named two officers of unions of brewery employees. The general manager under protest accepted the names and submitted two names on his own part. The proceedings lagged, and a demand was made that the discharged man be re-instated with back pay. This was refused. More conferences followed, and at last some changes having been made in the composition

of the arbitration committee chosen by the parties, the committee met, chose an umpire, and proceeded to hear the facts of the case. When it came to a vote two of the committee voted one way and two the other. The umpire declined to vote. It was then unanimously agreed to leave the case to the State Board. An application was made out and signed by the general manager of the company, and filed with the Board August 31. After repeated attempts to obtain the signature of some one representing the unions, a telephone message was received from the secretary of the union to the effect that they did not care to pursue the controversy further. The application was accordingly dismissed.

J. F. DESMOND SHOE COMPANY—MARLBOROUGH.

A joint application was received on October 1 from the J. F. Desmond Shoe Company, of Marlborough, and its employees, relating to wages paid for trimming heels, edge-setting and treeing.

A hearing was had at Marlborough on October 6, and after all parties had been fully heard, the Board succeeded in bringing the parties to an agreement.

STEAMFITTERS' HELPERS — BOSTON.

On October 13, the Board received a call from a committee representing the journeymen steamfitters and steamfitters' helpers, of Boston, who complained that Lynch & Woodward, members of the master steamfitters' association of Boston, and as such bound by the agreement made on October 24, 1895 between the association and the journeymen steamfitters, had failed to observe that part of the agreement which stipulated that preference should be given to members of the union, when of equal skill and capacity.

As the agreement referred to expressly provided that all differences should be referred, in the first instance, to an arbitration committee, and in case of failure to agree, to the State Board, this Board undertook to bring the matter to the attention of the association, with a view to a conference between committees of the association and union respectively. The President of the association, upon receiv-

ing notice from this Board, said that when he should have received from the union a written statement of the matter complained of, he would call a meeting of the association to consider the matter. The agent of the union was accordingly notified by the Board and advised to prepare and present such a statement to the president of the association. Subsequently the Board was informed that a meeting of the association had been called for October 27.

Committees were appointed by the respective organizations and the proposed changes considered. The committees reported back, but before any conclusion was reached the matter was taken up and indirectly disposed of by the Superior Court.

**EDISON ELECTRIC ILLUMINATING COMPANY—
BOSTON.**

BOSTON, JAN. 31, 1898.

*In the matter of the application of the firemen employed by
the Edison Electric Illuminating Company of Boston.*

PETITION FILED JAN. 7, 1898.

HEARING, JAN. 21.

The application in this case is signed by Michael Murphy as “authorized agent of legally qualified firemen” employed by the Edison Electric Illuminating Company at its three stations in Boston; and the Board having been satisfied that he was authorized to represent a majority of the employees of the company in the department in question, after communicating with the company informally, as a board of conciliation, gave the usual public notices of a meeting at which all persons interested might appear and be heard upon the subject matter of the application.

At the time and place appointed several of the firemen employed by the company, and many other firemen and engineers more or less directly interested appeared and addressed the Board. The company did not appear or take any part in the proceedings, although duly notified by this Board at every stage of the case. This is, therefore, an arbitration proceeding in which one party only is before the Board, and no one is legally bound by the result, although it is due to the workmen to say that they offered to submit the dis-

puted matters to the judgment of this Board and abide the result. It is, however, an application which the employees had a legal right to present. There has been no strike, nor so far as appears any threats of a strike; and since this method of proceeding has been instituted by law to prevent strikes and lockouts, and since in this particular case it has been resorted to in preference to a strike, intelligently and with much self-control on the part of the employees, and their representatives, it was not unnaturally hoped and expected that the corporation would consent to join in the proceeding in the form contemplated by law for the amicable settlement of differences between employers and employees. The grievances set forth in the application and presented at the hearing are as follows:—

1. That employees of said company are deprived of their right to belong to a trade union.
2. That employees known to officials in the employ of said company to belong to a trade union, are unfairly treated with a view to causing them to withdraw from a trade union.
3. That employees are deprived of their right to select counsel of their own choice to present their grievances to the management of said company.
4. That when, at the suggestion of those in authority over them, employees of said company have sought redress of their grievances, their complaints have been ignored and not remedied.
5. That when, by conciliation, an effort was made by the employees of said company through a committee chosen by them to have certain grievances redressed, said committee (composed of employees of the said company exclusively)

was given to understand that they had incurred the enmity of the management of said company, and one of the members of said committee of employees was summarily removed to a less desirous position than he was filling up to the time of serving on said committee, and to a different station where he was less acquainted with the work.

6. That the hours of labor are too long, being two hours per day longer than is required of firemen in other and less difficult steam plants.

7. That wages are not as high as the amount of service demands, even with a reduction of the length of the working day.

8. That men are required to report at unreasonable hours for duty.

At this stage of the proceedings, a public hearing having been given, and such communication as was practicable having been had with the corporation through its general counsel, it becomes the duty of this Board, in the language of the statute, to "advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute, and make a written decision thereof." It may be added that in the performance of this duty the Board desires not to condemn any one, or to assign any measure of blame, as is provided in cases where a strike or lockout has occurred. In this case the relation of employer and employee still subsists, except as to two men recently discharged, and whatever suggestions may be offered by this Board, must, in the intent of the law, and properly so, be confined to such suggestions by way of advice, as shall tend "to adjust said dispute," and not to embitter it.

In this view of its legal duty, it appears to the Board that the first five grievances stated in the application arise out of the present unsatisfactory relations between the company and the firemen, and from the want of any understanding or agreement as to the mode of hearing and settling complaints when they arise on the part of the workmen. This company, for reasons best known to its officers, has refused to recognize committees of the union to which its firemen belonged; and when after such failure to obtain a hearing a committee of the employees themselves were met by the officers of the company, and stated their complaints of the difficulty of their work, the length of the daily watch and the unseasonable hours at which they were required to begin and to leave off work, the refusal to make any change and the tardiness of the response were not calculated to allay the discontent. From what we have learned in this case, we have no reason to believe that the result would have been different if the regular agents of the union had been admitted and dealt with as recognized representatives of the employees. We are now speaking merely of the lack of any established means for hearing and determining the reasonableness or unreasonableness of such complaints, and the Board earnestly recommends this subject as worthy of thoughtful consideration both by the employer and employees.

The last three specifications in the application express in brief the complaints of the firemen concerning the hours of labor, that is, that their watches or shifts are longer than is required of other firemen, and that some men are required to report for work at unseasonable times. We find that outside of the electric lighting

companies the very general rule among engineers and firemen is to work but eight hours at a shift when all-night work is required as well as work by day; that sometimes when power is needed for twelve hours only, the men are on duty for the full twelve hours, and are allowed extra compensation for all work done after a certain limited time, and this arrangement is acceptable to all concerned. The nature of the business of electric lighting companies requires the constant attendance of engineers and firemen throughout the twenty-four hours, and successive relays of men must report for duty at certain specified times in the day and night, work through their watch, and give place to others who come to their relief.

With the Edison Company the length of the watch or day's work is ten hours each day for seven days in the week, except an occasional half day on Sunday. There is no extra pay for overtime work, but if a man should be sick, the company allows him a "sick benefit," that is, he is allowed thirty-one days during the year for sickness, without abatement of wages. Some vacations are also allowed in consideration of the hard work and the practically continuous employment. The firemen say that they would willingly dispense with the present sick benefits if a more suitable division of the time could be devised. This, in the opinion of the Board, was a proper matter for them to bring up for discussion with their employer; and after making all due allowance for possible exaggeration, this Board is of the opinion that justice and a proper regard for the welfare of the employees call for a re-arrangement of hours so that at least no fireman shall be required to

work continuously a longer time than is required of other firemen who work for electric lighting companies in Boston. This would naturally involve a reconsideration of the scale of wages, but we are assured that if the reasonable wishes of the workmen shall be met in the matter of hours, there will be no difficulty in fairly adjusting the wages. The Board therefore recommends and advises that a suitable re-arrangement of hours be made, and that the wages be fairly adjusted to the new conditions, without any allowance for sick benefits or for vacations with pay, unless the other workmen see fit to do the work of the one who may be absent.

These suggestions are made in the belief that the adoption of them, in a reasonable spirit on both sides, will be a decided benefit to the management and to the workmen employed, and will place them on the same footing as other employers and employees in Boston engaged in similar business.

By the Board,

BERNARD F. SUPPLE, *Clerk.*

Result.—The Board has been informed by the agent of the firemen that something was done by the company to mitigate the conditions under which the firemen work.

C. W. VARNEY & CO.—LYNN.

On November 22, upwards of twenty lasters employed by C. W. Varney & Co., of Lynn, shoe manufacturers, struck against a reduction of wages, as they alleged. On the day next following, the Board sought and obtained interviews with the firm and with the workmen. The firm denied that there was in reality any reduction proposed, but said that the intention was to produce a lower grade of goods at a lower rate of wages, which, it was expected, would result in constant employment for the workmen. If the strikers should not return, an intention was expressed of procuring new workmen in their places. The strikers insisted that the reduction affected grades of work which were then being produced and had been produced in the past; and the Board recommended that they send a committee to see the firm and endeavor first to make sure of the facts, and then try to arrange the matters that might be in dispute. Subsequently a committee called upon the firm, but no settlement was then reached or at any time afterwards.

JOHN A. FRYE—MARLBOROUGH.

BOSTON, JAN. 19, 1898.

In the matter of the joint application of John A. Frye, of Marlborough, and the sanders in his employ.

PETITION FILED DEC. 3, 1897.

HEARING, DEC. 6.

The question at issue under this application is on a reduction of wages proposed by the employer and temporarily imposed pending arbitration.

After due consideration, the Board recommends that the following prices be paid for sanding bottoms in the factory of John A. Frye, of Marlborough:—

	Per 12 Pairs.
Men's boots,	\$0.08 $\frac{1}{2}$
Boys' boots, . . . . .	.07 $\frac{1}{2}$
Youths' boots, . . . . .	.06 $\frac{1}{2}$
Children's boots, . . . . .	.05 $\frac{7}{10}$
Men's shoes, . . . . .	.07 $\frac{1}{2}$
Boys' and youths' shoes, . . . . .	.05 $\frac{3}{4}$

By agreement of the parties, this decision is to take effect from the first day of November, A.D. 1897.

By the Board,

BERNARD F. SUPPLE, *Clerk.*

Result.—The decision was accepted by all concerned.

WHITCOMB & PAINE COMPANY—HOLBROOK.

BOSTON, JAN. 10, 1898.

In the matter of the joint application of the Whitcomb & Paine Company, of Holbrook, and its employees.

PETITION FILED DEC. 6, 1897.

HEARING, DEC. 13.

In this case the Board is requested to decide upon wages to be paid for the work of lasting men's shoes on the McKay and Copeland lasting machine for the work as now done in the factory of the Whitcomb & Paine Company at Holbrook. The grade consists of pegged and standard screw work, grain, split, and kangaroo calf.

After due consideration, the Board recommends that the following prices be paid:—

	Per Dozen.
For plain toes, as now done,	\$0.33
For cap toes, as now done, . . . . .	.41

The above prices to be equally divided between one operator and one puller-over.

By agreement of the parties, this decision is to take effect from July 4, 1897, and it may be proper to add that consequently by the terms of the statute the parties are not bound to apply the decision to any work done since Jan. 4, 1898, except by agreement or acquiescence of those interested.

By the Board,

BERNARD F. SUPPLE, *Clerk.*

Result.—The decision was accepted by all concerned.

GUYER HAT COMPANY—BOSTON.

BOSTON, JAN. 22, 1898.

In the matter of the joint application of The Guyer Hat Company, of Boston, and its employees.

PETITION FILED DEC. 17, 1897.

HEARING, DEC. 20, 21.

The questions presented in this case for decision relate to the wages of men employed in sizing fur felt hats. After due consideration the Board recommends that the following prices be paid for the work as now done in the factory of The Guyer Hat Company, Boston:—

	Per Hat.
First sizing, B hats,	\$0.12
Second sizing, Cassimere hats, . . . . .	.05
Second sizing, B hats, $\frac{3}{4}$ inch in depth and $\frac{1}{2}$ inch in width, . . . . .	.03
All exceeding the above measurements, . . . . .	.04
Second sizing, X hats, 1 inch in depth and $\frac{3}{4}$ inch in width, . . . . .	.04
All exceeding the above measurements, . . . . .	.05

All hats to be rounded before second sizing.

By agreement of the parties this decision takes effect from this date and is to remain in force until May 1, 1898.

By the Board,

BERNARD F. SUPPLE, *Clerk.*

Result.—The decision was accepted by all concerned.

84 BOARD OF ARBITRATION. [Feb. '98.

The foregoing annual report is respectfully
submitted.

CHARLES H. WALCOTT,
RICHARD P. BARRY,
CHARLES DANA PALMER,
State Board of Arbitration and Conciliation.

Boston, February 21, 1898.

APPENDIX.

APPENDIX.

Twenty-four states in the union have made constitutional or statutory provision for mediation of one kind or another in the settlement of industrial disputes. Of these the statutes of the following sixteen contemplate the administration of conciliation and arbitration laws through permanent state boards: Massachusetts, New York, Montana, Michigan, California, New Jersey, Ohio, Louisiana, Wisconsin, Minnesota, Connecticut, Illinois, Utah, Indiana, Idaho and Colorado.

The constitution of Wyoming directs the legislature to establish courts of arbitration to determine all differences between associations of laborers and their employers, and provides for appeals to the supreme court of the state from the decisions of compulsory boards of arbitration.

The laws of Iowa, Kansas, Pennsylvania and Texas authorize the law courts to appoint tribunals of voluntary arbitration; and such is the law of Maryland also, which, moreover, empowers the Board of Public Works to investigate industrial controversies when the employer is a corporation, indebted to, or incorporated by, that state; to propose arbitration to the opposing parties, and if the proposition is accepted, to provide in due form for referring the case; but if either party refuse to submit to arbitration, it becomes the duty of the Board of Public Works to ascertain the cause of the controversy and report the same to the next legislature.

The law of Missouri authorizes the Commissioner of Labor Statistics to form local boards of arbitration, and, as in North Dakota, to mediate between employer and

employed, if requested to do so by either, whenever a difference exists which results or threatens to result in a strike or lockout. In Nebraska it is the duty of such officer to examine into the causes of strikes and lockouts.

MASSACHUSETTS.

The law of the state concerning arbitration is as follows, being chapter 263 of the Acts of 1886, approved June 2, entitled, "An Act to provide for a State Board of Arbitration, for the settlement of differences between employers and their employees," as amended by St. 1887, chapter 269; St. 1888, chapter 261; and St. 1890, chapter 385; also St. 1892, chapter 382.

SECTION 1. The governor, with the advice and consent of the council, shall, on or before the first day of July in the year eighteen hundred and eighty-six, appoint three competent persons to serve as a state board of arbitration and conciliation in the manner hereinafter provided. One of them shall be an employer or selected from some association representing employers of labor, one of them shall be selected from some labor organization and not an employer of labor, the third shall be appointed upon the recommendation of the other two: *provided, however,* that if the two appointed do not agree on the third man at the expiration of thirty days, he shall then be appointed by the governor. They shall hold office for one year or until their successors are appointed. On the first day of July in the year eighteen hundred and eighty-seven the governor, with the advice and consent of the council, shall appoint three members of said board in the manner above provided, one to serve for three years, one for two years and one for one year, or until their respective successors are appointed; and on the first day of July in each year thereafter the governor shall in the same manner appoint one member of said board to succeed the member whose term then expires, and to serve for the term of three years or until his successor is appointed. If a vacancy occurs at any time, the governor shall in the same manner appoint some one to serve out the unexpired term; and he may in like manner remove any member of said board. Each member of

said board shall, before entering upon the duties of his office, be sworn to a faithful discharge thereof. They shall at once organize by the choice of one of their number as chairman. Said board may appoint and remove a clerk of the board, who shall receive such salary as may be allowed by the board, but not exceeding twelve hundred dollars a year.

SECT. 2. The board shall, as soon as possible after its organization, establish such rules of procedure as shall be approved by the governor and council.

SECT. 3. Whenever any controversy or difference not involving questions which may be the subject of a suit at law or bill in equity, exists between an employer, whether an individual, copartnership or corporation, and his employees, if at the time he employs not less than twenty-five persons in the same general line of business in any city or town in this Commonwealth, the board shall, upon application as hereinafter provided, and as soon as practicable thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the said board shall cause a copy thereof to be filed with the clerk of the city or town where said business is carried on.

SECT. 4. Said application shall be signed by said employer or by a majority of his employees in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work without any lock-out or strike until the decision of said board, if it shall be made within three weeks of the date of filing said application. When an application is signed by an agent claiming to represent a majority of such employees, the board shall satisfy itself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving such authority shall be kept secret by said board. As soon as may be after

the receipt of said application the secretary of said board shall cause public notice to be given for the time and place for the hearing thereon; but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order; and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request.

When notice has been given as aforesaid, each of the parties to the controversy, the employer on the one side, and the employees interested on the other side, may in writing nominate, and the board may appoint, one person to act in the case as expert assistant to the board. The two persons so appointed shall be skilled in and conversant with the business or trade concerning which the dispute has arisen. It shall be their duty, under the direction of the board, to obtain and report to the board information concerning the wages paid and the methods and grades of work prevailing in manufacturing establishments within the Commonwealth of a character similar to that in which the matters in dispute have arisen. Said expert assistants shall be sworn to the faithful discharge of their duty; such oath to be administered by any member of the board, and a record thereof shall be preserved with the record of the proceedings in the case. They shall be entitled to receive from the treasury of the Commonwealth such compensation as shall be allowed and certified by the board, together with all necessary travelling expenses.* Nothing in this act shall be construed to prevent the board from appointing such other additional expert assistant or assistants as it may deem necessary. Should the petitioner or petitioners fail to perform the promise made in said application, the board shall proceed no further thereupon without the written consent of the adverse party. The board shall have power to summon as witness any operative in the departments of business affected and any person who keeps the records of wages earned in those departments, and to examine them under oath, and to require the production of books containing the record of wages paid. Summonses may be signed and oaths administered by any member of the board.

* See further as to experts, their duties and compensation, St. 1892, c. 382, *post*.

SECT. 5. Upon the receipt of such application and after such notice, the board shall proceed as before provided, and render a written decision, which shall be open to public inspection, shall be recorded upon the records of the board, and published at the discretion of the same in an annual report to be made to the general court on or before the first day of February in each year.

SECT. 6. Said decision shall be binding upon the parties who join in said application for six months, or until either party has given the other notice in writing of his intention not to be bound by the same at the expiration of sixty days therefrom. Said notice may be given to said employees by posting the same in three conspicuous places in the shop or factory where they work.

SECT. 7. The parties to any controversy or difference as described in section three of this act may submit the matters in dispute, in writing, to a local board of arbitration and conciliation; such board may either be mutually agreed upon, or the employer may designate one of the arbitrators, the employees or their duly authorized agent another, and the two arbitrators so designated may choose a third, who shall be chairman of the board. Such board shall, in respect to the matters referred to it, have and exercise all the powers which the state board might have and exercise, and its decision shall have whatever binding effect may be agreed by the parties to the controversy in the written submission. The jurisdiction of such board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the state board. The decision of such board shall be rendered within ten days of the close of any hearing held by it; such decision shall at once be filed with the clerk of the city or town in which the controversy or difference arose, and a copy thereof shall be forwarded to the state board. Each of such arbitrators shall be entitled to receive from the treasury of the city or town in which the controversy or difference that is the subject of the arbitration exists, if such payment is approved in writing by the mayor of such city or the board of selectmen of such town, the sum of three dollars for each day of actual service, not exceeding ten days for any one arbitration. Whenever it is made to appear to the mayor of a city or the board of selectmen of a town that a strike or lock-out such as described in section eight of this

act is seriously threatened or actually occurs, the mayor of such city or the board of selectmen of such town shall at once notify the state board of the facts.

SECT. 8. Whenever it shall come to the knowledge of the state board, either by notice from the mayor of a city or the board of selectmen of a town, as provided in the preceding section or otherwise, that a strike or lock-out is seriously threatened or has actually occurred in any city or town of the Commonwealth, involving an employer and his present or past employees, if at the time he is employing, or up to the occurrence of the strike or lock-out was employing, not less than twenty-five persons in the same general line of business in any city or town in the Commonwealth, it shall be the duty of the state board to put itself in communication as soon as may be with such employer and employees, and endeavor by mediation to effect an amicable settlement between them, or to endeavor to persuade them, provided that a strike or lock-out has not actually occurred or is not then continuing, to submit the matters in dispute to a local board of arbitration and conciliation, as above provided, or to the state board; and said state board may, if it deems it advisable, investigate the cause or causes of such controversy, and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes, and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given it by section three of this act.

SECT. 9. Witnesses summoned by the state board shall be allowed the sum of fifty cents for each attendance, and the further sum of twenty-five cents for each hour of attendance in excess of two hours, and shall be allowed five cents a mile for travel each way from their respective places of employment or business to the place where the board is in session. Each witness shall certify in writing the amount of his travel and attendance, and the amount due him shall be paid forthwith by the board, and for such purpose the board shall be entitled to draw from the treasury of the Commonwealth, as provided for in chapter one hundred and seventy-nine of the acts of the year eighteen hundred and eighty-four.

SECT. 10. The members of said state board shall until the first day of July in the year eighteen hundred and eighty-seven

be paid five dollars a day each for each day of actual service; and on and after said date they shall each receive a salary at the rate of two thousand dollars a year, to be paid out of the treasury of the Commonwealth; and both before and after said date they shall be allowed their necessary travelling and other expenses, which shall be paid out of the treasury of the Commonwealth.

[St. 1892, CHAPTER 382.]

An Act relating to the duties and compensation of expert assistants appointed by the state board of arbitration and conciliation.

Be it enacted, etc., as follows:

SECTION 1. In all controversies between an employer and his employees in which application is made to the state board of arbitration and conciliation, as provided by section four of chapter two hundred and sixty-three of the acts of the year eighteen hundred and eighty-six as amended by section three of chapter two hundred and sixty-nine of the acts of the year eighteen hundred and eighty-seven, and by section one of chapter three hundred and eighty-five of the acts of the year eighteen hundred and ninety, said board shall appoint a fit person to act in the case as expert assistant to the board. Said expert assistants shall attend the sessions of said board when required, and no conclusion shall be announced as a decision of said board, in any case where such assistants have acted, until after notice given to them, by mail or otherwise, appointing a time and place for a final conference between said board and expert assistant on the matters included in the proposed decision. Said expert assistants shall be privileged to submit to the board, at any time before a final decision shall be determined upon and published, any facts, advice, arguments or suggestions which they may deem applicable to the case. They shall be sworn to the faithful discharge of their duties by any member of said board, and a record thereof shall be preserved with the record of the proceedings in the case. They shall be entitled to receive for their services from the treasury of the Commonwealth the sum of seven dollars for each day of actual service, together with all their necessary travelling expenses.

SECT. 2. This act shall take effect upon its passage. [*Approved June 15, 1892.*]

NEW YORK.

The state board established in 1886 now acts under the Labor Law of 1897, a revision and consolidation of previous enactments.

[CHAPTER 415.]

An Act in relation to labor, constituting chapter thirty-two of the general laws. [*Became a law May 13, 1897, with the approval of the Governor. Passed, a majority being present.*]

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

CHAPTER XXXII. OF THE GENERAL LAWS.**THE LABOR LAW.**

- Article I. General provisions (§§1-20).
- II. Commissioner of labor statistics (§§ 30-32).
- III. Public employment bureau (§§ 40-44).
- IV. Convict-made goods and duties of commissioner of labor statistics relative thereto (§§ 50-54).
- V. Factory inspector, assistant and deputies (§§ 60-70).
- VI. Factories (§§ 70-91).
- VII. Tenement-made articles (§§ 100-104).
- VIII. Bakery and confectionery establishments (§§ 110-115).
- IX. Mines and their inspection (§§ 120-129).
- X. State board of mediation and arbitration (§§ 140-149).
- XI. Employment of women and children in mercantile establishments (§§ 160-173).
- XII. Examination and registration of horseshoers (§§ 180-184).
- XIII. Laws repealed ; when to take effect (§§ 190-191).

ARTICLE X — STATE BOARD OF MEDIATION AND ARBITRATION.

- Section 140. Organization of board.
- 141. Secretary and his duties.
- 142. Arbitration by the board.
- 143. Mediation in case of strike or lock-out.
- 144. Decisions of board.
- 145. Annual report.
- 146. Submission of controversies to local arbitrators.
- 147. Consent ; oath ; powers of arbitrators.
- 148. Decision of arbitrators.
- 149. Appeals.

SECTION 140. Organization of board.—There shall continue to be a state board of mediation and arbitration, consisting of three competent persons to be known as arbitrators, appointed by the governor, by and with the advice and consent of the senate, each of whom shall hold his office for the term of three years, and receive an annual salary of three thousand dollars. The term of office of the successors of the members of such board in office when this chapter takes effect, shall be abridged so as to expire on the thirty-first day of December preceding the time when each such term would otherwise expire, and thereafter each term shall begin on the first day of January.

One member of such board shall belong to the political party casting the highest, and one to the party casting the next highest number of votes for governor at the last preceding gubernatorial election. The third shall be a member of an incorporated labor organization of this state.

Two members of such board shall constitute a quorum for the transaction of business, and may hold meetings at any time or place within the state. Examinations or investigations ordered by the board may be held and taken by and before any of their number, if so directed, but a decision rendered in such a case shall not be deemed conclusive until approved by the board.

§ 141. **Secretary and his duties.**—The board shall appoint a secretary, whose term of office shall be three years. He shall keep a full and faithful record of the proceedings of the board, and all documents and testimony forwarded by the local boards of arbitration, and shall perform such other duties as the board may prescribe. He may, under the direction of the board, issue subpoenas and administer oaths in all cases before the board, and call for and examine books, papers and documents of any parties to the controversy.

He shall receive an annual salary of two thousand dollars, payable in the same manner as that of the members of the board.

§ 142. **Arbitration by the board.**—A grievance or dispute between an employer and his employes may be submitted to the board of arbitration and mediation for their determination and settlement. Such submission shall be in writing, and contain a statement in detail of the grievance or dispute and the cause thereof, and also an agreement to abide the determination

of the board, and during the investigation to continue in business or at work, without a lock-out or strike.

Upon such submission the board shall examine the matter in controversy. For the purpose of such inquiry they may subpoena witnesses, compel their attendance and take and hear testimony. Witnesses shall be allowed the same fees as in courts of record. The decision of the board must be rendered within ten days after the completion of the investigation.

§ 143. **Mediation in case of strike or lock-out.** — Whenever a strike or lock-out occurs or is seriously threatened, the board shall proceed as soon as practicable to the locality thereof, and endeavor, by mediation, to effect an amicable settlement of the controversy. It may inquire into the cause thereof, and for that purpose has the same power as in the case of a controversy submitted to it for arbitration.

§ 144. **Decisions of board.** — Within ten days after the completion of every examination or investigation authorized by this article, the board or majority thereof shall render a decision, stating such details as will clearly show the nature of the controversy and the points disposed of by them, and make a written report of their findings of fact and of their recommendations to each party to the controversy.

Every decision and report shall be filed in the office of the board and a copy thereof served upon each party to the controversy, and in case of a submission to arbitration, a copy shall be filed in the office of the clerk of the county or counties where the controversy arose.

§ 145. **Annual report.** — The board shall make an annual report to the legislature, and shall include therein such statements and explanations as will disclose the actual work of the board, the facts relating to each controversy considered by them and the decision thereon, together with such suggestions as to legislation as may seem to them conducive to harmony in the relations of employers and employes.

§ 146. **Submission of controversies to local arbitrators.** — A grievance or dispute between an employer and his employes may be submitted to a board of arbitrators, consisting of three persons, for hearing and settlement. When the employes concerned are members in good standing of a labor organization, which is represented by one or more delegates in

a central body, one arbitrator may be appointed by such central body and one by the employer. The two so designated shall appoint a third, who shall be chairman of the board.

If the employees concerned in such grievance or dispute are members of good standing of a labor organization which is not represented in a central body, the organization of which they are members may select and designate one arbitrator. If such employees are not members of a labor organization, a majority thereof, at a meeting duly called for that purpose, may designate one arbitrator for such board.

§ 147. **Consent; oath; powers of arbitrators.**— Before entering upon his duties, each arbitrator so selected shall sign a consent to act and take and subscribe an oath to faithfully and impartially discharge his duties as such arbitrator, which consent and oath shall be filed in the clerk's office of the county or counties where the controversy arose. When such board is ready for the transaction of business, it shall select one of its members to act as secretary, and notice of the time and place of hearing shall be given to the parties to the controversy.

The board may, through its chairman, subpoena witnesses, compel their attendance and take and hear testimony.

The board may make and enforce rules for its government and the transaction of the business before it, and fix its sessions and adjournments.

§ 148. **Decision of arbitrators.**— The board shall, within ten days after the close of the hearing, render a written decision, signed by them, giving such details as clearly show the nature of the controversy and the questions decided by them. Such decision shall be a settlement of the matter submitted to such arbitrators, unless within ten days thereafter an appeal is taken therefrom to the state board of mediation and arbitration.

One copy of the decision shall be filed in the office of the clerk of the county or counties where the controversy arose, and one copy shall be transmitted to the secretary of the state board of mediation and arbitration.

§ 149. **Appeals.**— The state board of mediation and arbitration shall hear, consider and investigate every appeal to it from any such board of local arbitrators, and its decisions shall be in writing and a copy thereof filed in the clerk's office of the county or counties where the controversy arose, and dupli-

cate copies served upon each party to the controversy. Such decision shall be final and conclusive upon all parties to the arbitration.

MONTANA.

There was a law in Montana, approved February 28, 1887, entitled "An Act to provide for a territorial board of arbitration for the settlement of differences between employers and employees." The Legislative Assembly of the territory on March 14, 1889, created a commission to codify laws and procedure, and to revise, simplify and consolidate statutes; and Montana became a state on November 8 of the same year.

The following is the law relating to arbitration of industrial disputes, as it appears in "The Codes and Statutes of Montana in force July 1, 1895."

THE POLITICAL CODE.

[Part III, Title VII, Chapter XIX.]

§ 3330. There is a state board of arbitration and conciliation consisting of three members, whose term of office is two years and until their successors are appointed and qualified. The board must be appointed by the governor, with the advice and consent of the senate. If a vacancy occurs at any time the governor shall appoint some one to serve out the unexpired term, and he may in like manner remove any member of said board. [§ 3330. *Act approved March 15, 1895.*]

§ 3331. One of the board must be an employer, or selected from some association representing employers of labor; and one of them must be a laborer, or selected from some labor organization, and not an employer of labor, and the other must be a disinterested citizen.

§ 3332. The members of the board must, before entering upon the duties of their office, take the oath required by the constitution. They shall at once organize by the choice of one of their number as chairman. Said board may appoint and remove a clerk of the board, who shall receive such compensation as may be allowed by the board, but not exceeding five dollars per day for the time employed. The board shall, as soon as possible after its organization, establish such rules or modes

of procedure as are necessary, subject to the approval of the governor. [§ 3332. *Act approved March 15, 1895.*]

§ 3333. Whenever any controversy or dispute, not involving questions which may be the subject of a civil action, exists between an employer (if he employs twenty or more in the same general line of business in the state) and his employes, the board must, on application as is hereinafter provided, visit the locality of the dispute and make inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done, by either or both, to adjust said dispute, and the board must make a written decision thereon. The decision must at once be made public, and must be recorded in a book kept by the clerk of the board, and a statement thereof published in the annual report, and the board must cause a copy thereof to be filed with the clerk of the county where the dispute arose.

§ 3334. The application to the board of arbitration and conciliation must be signed by the employer, or by a majority of his employes in the department of the business in which the controversy or difference exists, or their duly authorized agent or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work without any lockout or strike until the decision of said board if it shall be made within four weeks of the date of filing said application. When an application is signed by an agent claiming to represent a majority of such employes, the board shall satisfy itself that such agent is duly authorized in writing to represent such employes, but the names of the employes giving such authority shall be kept secret by said board; as soon as may be after the receipt of said application the secretary of said board shall cause public notice to be given for the time and place for the hearing thereon; but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given; when such request is made notice shall be given to the parties interested in such manner as the board may order; and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. When notice has been

given as aforesaid, each of the parties to the controversy, the employer on one side, and the employes interested on the other side, may in writing nominate, and the board may appoint, one person to act in the case as expert assistant to the board.

The two persons so appointed shall be skilled in and conversant with the business or trade concerning which the dispute has arisen. It shall be their duty, under the direction of the board, to obtain and report to the board, information concerning the wages paid, the hours of labor and the methods and grades of work prevailing in manufacturing establishments, or other industries or occupations, within the state of a character similar to that in which the matters in dispute have arisen. Said expert assistants shall be sworn to the faithful discharge of their duty; such oath to be administered by any member of the board, and a record thereof shall be preserved with the record of the proceedings in the case. They shall be entitled to receive from the treasury of the state such compensation as shall be allowed and certified by the board not exceeding ——— dollars per day, together with all necessary traveling expenses. Nothing in this act shall be construed to prevent the board from appointing such other additional expert assistant or assistants as it may deem necessary, who shall be paid in like manner. Should the petitioner or petitioners fail to perform the promise made in said application, the board shall proceed no further thereupon without the written consent of the adverse party. The board shall have power to summon as witness any operative or employe in the department of business affected and any person who keeps the records of wages earned in those departments, and to examine them under oath, and to require the production of books containing the record of wages paid. Summons may be signed and oaths administered by any member of the board. [§ 3334. *Act approved March 15, 1895.*]

§ 3335. Upon the receipt of such application and after such notice, the board shall proceed as before provided, and render a written decision, which shall be open to public inspection, shall be recorded upon the records of the board, and published at the discretion of the same in an annual report to be made to

the governor on or before the first day of December in each year. [§ 3335. *Act approved March 15, 1895.*]

§ 3336. Any decision made by the board is binding upon the parties who join in the application for six months, or until either party has given the other notice in writing of his intention not to be bound by the same at the expiration of sixty days therefrom. The notice must be given to employes by posting the same in three conspicuous places in the shop, office, factory, store, mill, or mine where the employes work.

§ 3337. The parties to any controversy or difference as described in § 3333 of this code may submit the matters in dispute, in writing, to a local board of arbitration and conciliation; such board may be either mutually agreed upon, or the employer may designate one of the arbitrators, the employes, or their duly authorized agent, another, and the two arbitrators so designated may choose a third, who shall be chairman of the board. Such board shall, in respect to the matters referred to it, have and exercise all the powers which the state board might have and exercise, and its decision shall whatever binding effect may be agreed by the parties to the controversy in the written submission. The jurisdiction of such board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the state board. The decision of such board shall be rendered within ten days of the close of any hearing held by it; such decision shall at once be filed with the clerk of the county in which the controversy or difference arose, and a copy thereof shall be forwarded to the state board and entered on its records. Each of such arbitrators shall be entitled to receive from the treasury of the county in which the controversy or difference that is the subject of the arbitration exists, if such payment shall be approved by the commissioners of said county, the sum of three dollars for each day of actual service, not exceeding ten days for any one arbitration.

Whenever it is made to appear to the mayor of any city or two commissioners of any county, that a strike or lockout such as described hereafter in this section is seriously threatened or actually occurs, the mayor of such city, or said commissioners of such county, shall at once notify the state board of the fact.

Whenever it shall come to the knowledge of the state board, either by notice from the mayor of a city, or two or more commissioners of a county, as provided in this section, or otherwise, that a strike or lockout is seriously threatened or has actually occurred in any city or county of this state, involving an employer and his present or past employees, if at the time he is employing or up to the occurrence of the strike or lockout was employing not less than twenty persons in the same general line of business in any city, town or county in this state, it shall be the duty of the state board to put itself in communication as soon as may be with such employer and employees, and endeavor by mediation to effect an amicable settlement between them, or to endeavor to persuade them, providing that a strike or lockout has not actually occurred or is not then continuing, to submit the matters in dispute to a local board of arbitration and conciliation as above provided, or to the state board; and said state board may, if it deems it advisable, investigate the cause or causes of such controversy, and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes, and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given it by § 3333 of this code.

Witnesses summoned by the state board shall be allowed the sum of fifty cents for each attendance, and the further sum of twenty-five cents for each hour of attendance in excess of two hours, and shall be allowed five cents a mile for travel each way from their respective places of employment or business to the place where the board is in session. Each witness shall certify in writing the amount of his travel and attendance, and the amount due him shall be (see § 9 of Massachusetts act and make such provision as deemed best) certified to the state board of examiners for auditing, and the same shall be paid as other expenses of the state from any moneys in the state treasury. [§ 3337. *Act approved March 15, 1895.*]

§ 3338. The arbitrators hereby created must be paid five dollars for each day of actual service and their necessary traveling expenses and necessary books or record, to be paid out of the treasury of the state, as by law provided.

MICHIGAN.

[Public Acts, 1889, No. 238.]

An Act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employes, and to authorize the creation of a State court of mediation and arbitration.

SECTION 1. *The people of the State of Michigan enact, That whenever any grievance or dispute of any nature shall arise between any employer and his employes, it shall be lawful to submit the same in writing to a court of arbitrators for hearing and settlement, in the manner hereinafter provided.*

SEC. 2. *After the passage of this act the Governor may, whenever he shall deem it necessary, with the advice and consent of the Senate, appoint a State court of mediation and arbitration, to consist of three competent persons, who shall hold their terms of office, respectively, one, two and three years, and upon the expiration of their respective terms the said term of office shall be uniformly for three years. If any vacancy happens by resignation or otherwise he shall, in the same manner, appoint an arbitrator for the residue of the term. If the Senate shall not be in session at the time any vacancy shall occur or exist, the Governor shall appoint an arbitrator to fill the vacancy, subject to the approval of the Senate when convened. Said court shall have a clerk or secretary, who shall be appointed by the court, to serve three years, whose duty it shall be to keep a full and faithful record of the proceedings of the court and also all documents, and to perform such other duties as the said court may prescribe. He shall have power, under the direction of the court, to issue subpoenas, to administer oaths in all cases before said court, to call for and examine all books, papers and documents of any parties to the controversy, with the same authority to enforce their production as is possessed by the courts of record, or the judges thereof, in this State. Said arbitrators and clerk shall take and subscribe the constitutional oath of office, and be sworn to the due and faithful performance of the duties of their respective offices before entering upon the discharge of the same. An office shall be set apart in the capitol by the person or persons having charge thereof, for the proper and convenient transaction of the business of said court.*

SEC. 3. Any two of the arbitrators shall constitute a quorum for the transaction of business, and may hold meetings at any time or place within the State. Examinations or investigations ordered by the court may be held and taken by and before any one of their number, if so directed. But the proceedings and decisions of any single arbitrator shall not be deemed conclusive until approved by the court or a majority thereof. Each arbitrator shall have power to administer oaths.

SEC. 4. Whenever any grievance or dispute of any nature shall arise between any employer and his employes, it shall be lawful for the parties to submit the same directly to said State court, and shall jointly notify said court or its clerk, in writing, of such grievance or dispute. Whenever such notification to said court or its clerk is given, it shall be the duty of said court to proceed, with as little delay as possible, to the locality of such grievance or dispute, and inquire into the cause or causes of grievance or dispute. The parties to the grievance or dispute shall thereupon submit to said court, in writing, succinctly, clearly and in detail, their grievances and complaints, and the cause or causes thereof, and severally agree in writing to submit to the decision of said court as to matters so submitted, and a promise or agreement to continue on in business or at work, without a lockout or strike, until the decision of said court, provided it shall be rendered within ten days after the completion of the investigation. The court shall thereupon proceed to fully investigate and inquire into the matters in controversy, and to take testimony, under oath, in relation thereto, and shall have power, by its chairman or clerk, to administer oaths, to issue subpoenas for the attendance of witnesses, the production of books and papers, to the same extent as such power is possessed by courts of record, or the judges thereof, in this State.

SEC. 5. After the matter has been fully heard the said board, or majority of its members, shall, within ten days, render a decision thereon in writing, signed by them, or a majority of them, stating such details as will clearly show the nature of the decision and the points disposed of by them. The decision shall be in triplicate, one copy of which shall be filed by the clerk of the court in the clerk's office of the county where the controversy arose, and one copy shall be served on each of the parties to the controversy.

SEC. 6. Whenever a strike or lockout shall occur or is seriously threatened, in any part of the State, and shall come to the knowledge of the court, it shall be its duty, and it is hereby directed to proceed, as soon as practicable, to the locality of such strike or lockout and put itself in communication with the parties to the controversy, and endeavor by mediation to effect an amicable settlement of such controversy; and, if in its judgment it is deemed best, to inquire into the cause or causes of the controversy, and to that end the court is hereby authorized to subpoena witnesses, compel their attendance, and send for persons and papers, in like manner and with the same powers as it is authorized to do by section four of this act.

SEC. 7. The fees of witnesses shall be one dollar for each day's attendance, and seven cents per mile traveled by the nearest route in getting to and returning from the place where attendance is required by the court, to be allowed by the board of State auditors upon the certificate of the court. All subpoenas shall be signed by the secretary of the court, and may be served by any person of full age authorized by the court to serve the same.

SEC. 8. Said court shall make a yearly report to the Legislature, and shall include therein such statements, facts and explanations as will disclose the actual working of the court, and such suggestions as to legislation, as may seem to them conducive to harmonizing the relations of, and disputes between, employers and the wage-earning.

SEC. 9. Each arbitrator shall be entitled to five dollars per day for actual service performed, payable from the treasury of the State. The clerk or secretary shall be appointed from one of their number, and shall receive an annual salary not to exceed twelve hundred dollars, without per diem, per year, payable in the same manner.

SEC. 10. Whenever the term "employer" or "employers" is used in this act it shall be held to include "firm" "joint stock association," "company" or "corporation," as fully as if each of the last named terms was expressed in each place. [*Approved July 3, 1889.*]

CALIFORNIA.

An Act to provide for a State Board of Arbitration for the settlement of differences between employers and employes, to define the duties of said Board, and to appropriate the sum of twenty-five hundred dollars therefor.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. On or before the first day of May of each year, the Governor of the State shall appoint three competent persons to serve as a State Board of Arbitration and Conciliation. One shall represent the employers of labor, one shall represent labor employes, and the third member shall represent neither, and shall be Chairman of the Board. They shall hold office for one year and until their successors are appointed and qualified. If a vacancy occurs, as soon as possible thereafter the Governor shall appoint some one to serve the unexpired term; *provided, however,* that when the parties to any controversy or difference, as provided in section two of this Act, do not desire to submit their controversy to the State Board, they may by agreement each choose one person, and the two shall choose a third, who shall be Chairman and umpire, and the three shall constitute a Board of Arbitration and Conciliation for the special controversy submitted to it, and shall for that purpose have the same powers as the State Board. The members of the said Board or Boards, before entering upon the duties of their office, shall be sworn to faithfully discharge the duties thereof. They shall adopt such rules of procedure as they may deem best to carry out the provisions of this Act.

SEC. 2. Whenever any controversy or difference exists between an employer, whether an individual, copartnership, or corporation, which, if not arbitrated, would involve a strike or lockout, and his employes, the Board shall, upon application, as hereinafter provided, and as soon as practicable thereafter, visit, if necessary, the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either, or both, to adjust said dispute, and make a written decision

thereof. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the board.

SEC. 3. Said application shall be signed by said employer, or by a majority of his employes in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work, without any lockout or strike, until the decision of said Board, which must, if possible, be made within three weeks of the date of filing the application. Immediately upon the receipt of said application, the Chairman of said Board shall cause public notice to be given of the time and place for hearing. Should the petitioners fail to keep the promise made therein, the Board shall proceed no further thereupon without the written consent of the adverse party. And the party violating the contract shall pay the extra cost of the Board entailed thereby. The Board may then reopen the case and proceed to the final arbitration thereof as provided in section two hereof.

SEC. 4. The decision rendered by the Board shall be binding upon the parties who join in the application for six months, or until either party has given the other a written notice of his intention not to be further bound by the conditions thereof after the expiration of sixty days or any time agreed upon by the parties, which agreement shall be entered as a part of the decision. Said notice may be given to the employes by posting a notice thereof in three conspicuous places in the shop or factory where they work.

SEC. 5. Both employers and employes shall have the right at any time to submit to the Board complaints of grievances and ask for an investigation thereof. The Board shall decide whether the complaint is entitled to a public investigation, and if they decide in the affirmative, they shall proceed to hear the testimony, after giving notice to all parties concerned, and publish the result of their investigations as soon as possible thereafter.

SEC. 6. The arbitrators hereby created shall be paid five dollars per day for each day of actual service, and also their necessary traveling and other expenses incident to the duties of their office shall be paid out of the State Treasury; but the

expenses and salaries hereby authorized shall not exceed the sum of twenty-five hundred dollars for the two years.

SEC. 7. The sum of twenty-five hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the expenses of the Board for the first two years after its organization.

SEC. 8. This Act shall take effect and be in force from and after its passage. [*Approved March 10, 1891.*]

NEW JERSEY.

An Act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employees, and to authorize the creation of a state board of arbitration.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any grievance or dispute of any nature growing out of the relation of employer and employee shall arise or exist between employer and employees, it shall be lawful to submit all matters respecting such grievance or dispute, in writing, to a board of arbitrators, to hear, adjudicate and determine the same; said board shall consist of five persons; when the employees concerned in any such grievance or dispute as aforesaid are members in good standing of any labor organization, which is represented by one or more delegates in a central body, the said central body shall have power to designate two of said arbitrators; and the employer shall have the power to designate two others of said arbitrators, and the said four arbitrators shall designate a fifth person as arbitrator, who shall be chairman of the board; in case the employees concerned in any such grievance or dispute as aforesaid are members in good standing of a labor organization which is not represented in a central body, then the organization of which they are members shall have the power to select and designate two arbitrators for said board, and said board shall be organized as hereinbefore provided; and in case the employees concerned in any such grievance or dispute as aforesaid are not members of any labor organization, then a majority of said employees, at a meeting duly held for that purpose, shall designate two arbitra-

tors for said board, and the said board shall be organized as hereinbefore provided.

2. *And be it enacted*, That any board as aforesaid selected may present a petition to the county judge of the county where such grievances or disputes to be arbitrated may arise, signed by at least a majority of said board, setting forth in brief terms the nature of the grievance or dispute between the parties to said arbitration, and praying the license or order of such judge establishing and approving said board of arbitration; upon the presentation of said petition it shall be the duty of the said judge to make an order establishing such board of arbitration and referring the matters in dispute to it for hearing, adjudication and determination; the said petition and order or a copy thereof shall be filed in the office of the clerk of the county in which the said judge resides.

3. *And be it enacted*, That the arbitrators so selected shall sign a consent to act as such, and shall take and subscribe an oath before an officer authorized to administer oaths, to faithfully and impartially discharge his duties as such arbitrator, which consent and oath shall be immediately filed in the office of the clerk of the county wherein such arbitrators are to act; when the said board is ready for the transaction of business, it shall select one of its members to act as secretary, and the parties to the dispute shall receive notice of a time and place of hearing; the chairman shall have power to administer oaths and to issue subpoenas for the production of books and papers, and for the attendance of witnesses, to the same extent that such power is possessed by the courts of record or the judges thereof in this state; the board may make and enforce the rules for its government and transaction of the business before it and fix its sessions and adjournments, and shall hear and examine such witnesses as may be brought before the board, and such other proof as may be given relative to the matters in dispute.

4. *And be it enacted*, That after the matter has been fully heard, the said board or a majority of its members shall within ten days render a decision thereon, in writing, signed by them, giving such details as will clearly show the nature of the decision and the matters adjudicated and determined; such adjudication and determination shall be a settlement of the matter referred to said arbitrators, unless an appeal is taken

therefrom as hereinafter provided ; the adjudication and determination shall be in duplicate, one copy of which shall be filed in the office of the clerk of the county, and the other transmitted to the secretary of the state board of arbitration hereinafter mentioned, together with the testimony taken before said board.

5. *And be it enacted*, That when the said board shall have rendered its adjudication and determination its powers shall cease, unless there may be in existence at the time other similar grievances or disputes between the same classes of persons mentioned in section one, and in such case such persons may submit their differences to the said board, which shall have power to act and adjudicate and determine the same as fully as if said board was originally created for the settlement of such other difference or differences.

6. *And be it enacted*, That within thirty days after the passage of this act the governor shall appoint a state board of arbitration, to consist of three competent persons, each of whom shall hold his office for the term of five years ; one of said persons shall be selected from a bona fide labor organization of this state. If any vacancy happens, by resignation or otherwise, the governor shall, in the same manner, appoint an arbitrator for the residue of the term ; said board shall have a secretary, who shall be appointed by and hold office during the pleasure of the board and whose duty shall be to keep a full and faithful record of the proceedings of the board and also possession of all documents and testimony forwarded by the local boards of arbitration, and perform such other duties as the said board may prescribe ; he shall have power, under the direction of the board, to issue subpoenas, to administer oaths in all cases before said board, to call for and examine books, papers and documents of any parties to the controversy, with the same authority to enforce their production as is possessed by the courts of record, or the judges thereof, in this state ; said arbitrators of said state board and the clerk thereof shall take and subscribe the constitutional oath of office, and be sworn to the due and faithful performance of the duties of their respective offices before entering upon the discharge of the same ; an office shall be set apart in the capitol by the person having charge thereof, for the proper and convenient transaction of the business of said board.

7. *And be it enacted*, That an appeal may be taken from the decision of any local board of arbitration within ten days after the filing of its adjudication and determination of any case; it shall be the duty of the said state board of arbitration to hear and consider appeals from the decisions of local boards and promptly to proceed to the investigation of such cases, and the adjudication and determination of said board thereon shall be final and conclusive in the premises upon all parties to the arbitration; such adjudications and determinations shall be in writing, and a copy thereof shall be furnished to each party; any two of the state board of arbitrators shall constitute a quorum for the transaction of business, and may hold meetings at any time or place within the state; examinations or investigations ordered by the state board may be held and taken by and before any one of their number if so directed; but the proceedings and decision of any single arbitrator shall not be deemed conclusive until approved by the board or a majority thereof; each arbitrator shall have power to administer oaths.

8. *And be it enacted*, That whenever any grievance or dispute of any nature shall arise between any employer and his employees, it shall be lawful for the parties to submit the same directly to said state board in the first instance, in case such parties elect to do so, and shall jointly notify said board or its clerk, in writing, of such election; whenever such notification to said board or its clerk is given, it shall be the duty of said board to proceed, with as little delay as possible, to the locality of such grievance or dispute, and inquire into the cause or causes of grievance or dispute; the parties to the grievance or dispute shall thereupon submit to said board, in writing, succinctly, clearly and in detail, their grievances and complaints, and the cause or causes thereof, and severally agree, in writing, to submit to the decision of said board as to matters so submitted, and a promise or agreement to continue on in business or at work, without a lockout or strike until the decision of said board, provided it shall be rendered within ten days after the completion of the investigation; the board shall thereupon proceed to fully investigate and inquire into the matters in controversy, and to take testimony under oath in relation thereto, and shall have power by its chairman or clerk, to administer oaths, to issue subpoenas for the attendance of witnesses, the

production of books and papers, to the same extent as such power is possessed by courts of record, or the judges thereof, in this State.

9. *And be it enacted*, That after the matter has been fully heard, the said board, or a majority of its members, shall, within ten days, render a decision thereon in writing, signed by them or a majority of them, stating such details as will clearly show the nature of the decision, and the points disposed of by them; the decision shall be in triplicate, one copy of which shall be filed by the clerk of the board in the clerk's office of the county where the controversy arose, and one copy shall be served on each of the parties to the controversy.

10. *And be it enacted*, That whenever a strike or lockout shall occur or is seriously threatened in any part of the state, and shall come to the knowledge of the board, it shall be its duty, and it is hereby directed to proceed, as soon as practicable, to the locality of such strike or lockout and put itself in communication with the parties to the controversy, and endeavor by mediation to effect an amicable settlement of such controversy; and, if in its judgment it is deemed best, to inquire into the cause of the controversy, and to that end the board is hereby authorized to subpoena witnesses, compel their attendance, and send for persons and papers, in like manner and with the same powers as it is authorized to do by section eight of this act.

11. *And be it enacted*, That the fees of witnesses of aforesaid state board shall be fifty cents for each day's attendance and four cents per mile traveled by the nearest route in getting to or returning from the place where attendance is required by the board; all subpoenas shall be signed by the secretary of the board and may be served by any person of full age, authorized by the board to serve the same.

12. *And be it enacted*, That said board shall annually report to the legislature, and shall include in their report such statements, facts and explanations as will disclose the actual working of the board, and such suggestions with regard to legislation as may seem to them conducive to harmonizing the relations of and disputes between employers and employees, and the improvement of the present system of production by labor.

13. *And be it enacted*, That each arbitrator of the state

board and the secretary thereof shall receive ten dollars for each and every day actually employed in the performance of his duties herein and actual expenses incurred, including such rates of mileage as are now provided by law, payable by the state treasurer on duly approved vouchers.

14. *And be it enacted*, That whenever the term "employer" or "employers" is used in this act it shall be held to include "firm," "joint stock association," "company," "corporation," or "individual and individuals," as fully as if each of said terms was expressed in each place.

15. *And be it enacted*, That this act shall take effect immediately. [*Approved March 24, 1892. P. L., Chap. 137.*]

A Supplement to an act entitled "An act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employees, and to authorize the creation of a state board of arbitration," approved March twenty-fourth, eighteen hundred and ninety-two, and to end the term of office of any person or persons appointed under this act.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Samuel S. Sherwood, William M. Doughty, James Martin, Charles A. Houston, Joseph L. Moore be and they are hereby constituted a board of arbitration, each to serve for the term of three years from the approval of this supplement, and that each arbitrator herein named shall receive an annual salary of twelve hundred dollars per annum, in lieu of all fees, per diem compensation and mileage, and one of said arbitrators shall be chosen by said arbitrators as the secretary of said board, and he shall receive an additional compensation of two hundred dollars per annum, the salaries herein stated to be payable out of moneys in the state treasury not otherwise appropriated.

2. *And be it enacted*, That in case of death, resignation or incapacity of any member of the board, the governor shall appoint, by and with the advice and consent of the senate, an arbitrator to fill the unexpired term of such arbitrator or arbitrators so dying, resigning or becoming incapacitated.

3. *And be it enacted*, That the term of office of the arbitra-

tors now acting as a board of arbitrators, shall, upon the passage of this supplement, cease and terminate, and the persons named in this supplement as the board of arbitrators shall immediately succeed to and become vested with all the powers and duties of the board of arbitrators now acting under the provisions of the act of which this act is a supplement.

4. *And be it enacted*, That after the expiration of the terms of office of the persons named in this supplement, the governor shall appoint by and with the advice and consent of the senate their successors for the length of term and at the salary named in the first section of this supplement.

5. *And be it enacted*, That this act shall take effect immediately. [*Approved March 25, 1895. P. L., Chap. 341.*]

OHIO.

On March 14, 1893, Ohio adopted a law providing for a State board of arbitration. The statute, as amended May 21, 1894, and April 27, 1896, is as follows: —

An Act to provide for a state board of arbitration for the settlement of differences between employers and their employes and to repeal an act entitled "An act to authorize the creation and to provide for the operation of tribunals of voluntary arbitration, to adjust industrial disputes between employers and employes," passed Feb. 10, 1885.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That within thirty days after the passage of this act, the governor of the state, with the advice and consent of the senate, shall appoint three competent persons to serve as a state board of arbitration and conciliation in the manner hereinafter provided. One of them shall be an employer or selected from some association representing employers of labor, one of them shall be an employe or an employee selected from some labor organization and not an employer of labor, and the third shall be appointed upon the recommendation of the other two; provided, however, that if the two appointed do not agree on the third man at the expiration of thirty days, he shall be appointed by the governor; and provided, also, that appointments made when the senate is not in session may be confirmed at the next ensuing session.

SECTION 2. One shall be appointed for one year, one for two years, and one for three years, and all appointments thereafter shall be for three years or until their respective successors are appointed in the manner above provided. If, for any reason a vacancy occurs at any time, the governor shall, in the same manner, appoint some person to serve out the unexpired term, and he may remove any member of said board.

SECTION 3. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge thereof. They shall organize at once by the choice of one of their number as chairman, and one of their number as secretary. The board shall, as soon as possible after its organization, establish such rules of procedure as shall be approved by the governor.

SECTION 4. Whenever any controversy or difference not involving questions which may be the subject of a suit or action in any court of the state exists between an employer (whether an individual, copartnership or corporation) and his employes, if, at the time he employs not less than twenty-five persons in the same general line of business in this state, the board shall, upon application as hereinafter provided and as soon as practical thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come, or be subpoenaed before them, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute. The term employer in this act includes several employers co-operating with respect to any such controversy or difference, and the term employes includes aggregations of employes of several employers so co-operating. And where any strike or lock-out extends to several counties, the expenses incurred under this act are not payable out of the state treasury, shall be apportioned among and paid by such counties as said board may deem equitable and may direct.

SECTION 5. Such mediation having failed to bring about an adjustment of the said differences, the board shall immediately make out a written decision thereon. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the said board shall cause a copy thereof to be filed with the clerk of the city or county where said business is carried on.

SECTION 6. Said application for arbitration and conciliation to said board can be made by either or both parties to the controversy; and shall be signed in the respective instances by said employer or by a majority of his employees in the department of the business in which the controversy or difference exists, or the duly authorized agent of either or both parties. When an application is signed by an agent claiming to represent a majority of such employees, the board shall satisfy itself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving such authority shall be kept secret by said board.

SECTION 7. Said application shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work in the same manner as at the time of the application, without any lock-out or strike, until the decision of said board, if it shall be made within ten days of the date of filing said application; provided, a joint application may contain a stipulation that the decision of the board under such joint application shall be binding upon the parties to the extent so stipulated, and such decision to such extent may be made and enforced as a rule of court in the court of common pleas of the county from which such joint application comes, as upon a statutory award.

SECTION 8. As soon as may be, after the receipt of said application, the secretary of said board shall cause public notice to be given of the time and place for the hearing therein, but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order, and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. Should the petitioner or petitioners fail to perform the promise made in said application, the board shall proceed no further therein without the written consent of the adverse party.

SECTION 9. The board shall have power to subpoena as witnesses any operative in the department of business affected, or other persons shown by affidavit, on belief, or otherwise, to have knowledge of the matters in controversy or dispute, and any who keeps the records of wages earned in such departments, and examine them under oath touching such matters, and to require

the production of books or papers containing the record of wages earned or paid. Subpœnas may be signed and oaths administered by any member of the board. A subpœna or any notice may be delivered or sent to any sheriff, constable or police officer, who shall forthwith serve or post the same, as the case may be, and make due return thereof according to directions, and for such service he shall receive the fees allowed by law in similar cases, payable from the treasurer of the county wherein the controversy to be arbitrated exists, upon the warrant of the county auditor, issued on the certificate of the board that such fees are correct and due. And the board shall have the same power and authority to maintain and enforce order at its hearings and obedience to its writs of subpoena as by law conferred on the court of common pleas for like purposes.

SECTION 10. The parties to any controversy or difference, as described in section 4 of this act, may submit the matters in dispute, in writing, to a local board of arbitration and conciliation; such board may either be mutually agreed upon, or the employer may designate one of the arbitrators, the employes or their duly authorized agent another, and the two arbitrators so designated may choose a third, who shall be chairman of the board.

SECTION 11. Such local board of arbitration shall, in respect to the matters referred to it, have and exercise all the powers which the state board might have and exercise, and its decision shall have whatever binding effect may be agreed by the parties to the controversy in the written submission. The jurisdiction of such local board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the state board. The decision of said board shall be rendered within ten days of the close of any hearing held by it; such decision shall at once be filed with the clerk of the city or county in which the controversy or difference arose, and a copy thereof shall be forwarded to the state board.

SECTION 12. Each of such arbitrators of such a local board shall be entitled to receive from the treasury of the city or county in which the controversy or difference, that is the subject of the arbitrators exists, if such payment is approved in writing by the city council or the administrative board of such city or board of county commissioners of such county, the sum of three dollars for each day of actual service, not exceeding ten days for any one arbitration.

SECTION 13. Whenever it is made to appear to a mayor or probate judge in this state that a strike or lockout is seriously threatened, or has actually occurred, in his vicinity, he shall at once notify the state board of the fact, giving the name and location of the employer, the nature of the trouble, and the number of employees involved, so far as his information will enable him to do so. Whenever it shall come to the knowledge of the state board, either by such notice or otherwise, that a strike or lockout is seriously threatened, or has actually occurred, in this state, involving an employer and his present or past employees, if at the time he is employing, or, up to the occurrence of the strike or lockout, was employing not less than twenty-five persons in the same general line of business in the state, it shall be the duty of the state board to put itself in communication, as soon as may be, with such employer and employees.

SECTION 14. It shall be the duty of the state board in the above described cases to endeavor, by mediation or conciliation, to effect an amicable settlement between them, or, if that seems impracticable, to endeavor to persuade them to submit the matters in dispute to a local board of arbitration and conciliation, as above provided, or to the state board; and said board may, if it deem it advisable, investigate the cause or causes of such controversy and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes, and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given it by section 9 of this act; provided, if neither a settlement nor an arbitration be had because of the opposition thereto of one party to the controversy, such investigation and publication shall, at the request of the other party, be had. And the expense of any publication under this act shall be certified and paid as provided therein for payment of fees.

SECTION 15. Witnesses summoned by the state board shall be allowed the sum of fifty cents for each attendance, and the further sum of twenty-five cents for each hour of attendance in excess of two hours, and shall be allowed five cents a mile for travel each way from their respective places of employment or business to the place where the board is in session. Each wit-

ness shall state in writing the amount of his travel and attendance, and said state board shall certify the amount due each witness to the auditor of the county in which the controversy or difference exists, who shall issue his warrant upon the treasury of said county for the said amount.

SECTION 16. The said state board shall make a yearly report to the governor and legislature, and shall include therein such statements, facts and explanations as will disclose the actual workings of the board, and such suggestions as to legislation as may seem to the members of the board conducive to the friendly relations of, and to the speedy and satisfactory adjustment of disputes between employers and employees.

SECTION 17. The members of said board of arbitration and conciliation hereby created shall each be paid five dollars a day for each day of actual service, and their necessary traveling and other expenses. The chairman of the board shall, quarterly, certify the amount due each member and on presentation of his certificate the auditor of state shall draw his warrant on the treasury of the state for the amount. When the state board meets at the capitol of the state, the adjutant general shall provide rooms suitable for such meeting.

SECTION 18. That an act entitled "An act to authorize the creation and to provide for the operation of tribunals of voluntary arbitration to adjust industrial disputes between employers and employees," of the Revised Statutes of the state, passed February 10, 1895, is hereby repealed.

SECTION 19. This act shall take effect and be in force from and after its passage.

LOUISIANA.

[No. 139.]

An Act to provide for a State Board of Arbitration for the settlement of differences between employers and employees.

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, that within thirty days after the passage of this act, the Governor of the State, with the advice and consent of the Senate, shall appoint five competent persons to serve as a Board of Arbitration and Conciliation in the manner herein-

after provided. Two of them shall be employers, selected or recommended by some association or Board representing employers of labor; two of them shall be employees, selected or recommended by the various labor organizations, and not an employer of labor, and the fifth shall be appointed upon the recommendation of the other four; provided however, that if the four appointed do not agree on the fifth man at the expiration of thirty days, he shall be appointed by the Governor; provided, also, that if the employers or employees fail to make their recommendation as herein provided within thirty days, then the Governor shall make said appointments in accordance with the spirit and intent of this Act; said appointments, if made when the Senate is not in session, may be confirmed at the next ensuing session.

SEC. 2. Two shall be appointed for two years, two for three years, and one, the fifth member, for four years, and all appointments thereafter shall be for four years, or until their successors are appointed in the manner above provided. If, for any reason, a vacancy occurs at any time, the Governor shall in the same manner appoint some person to serve out the unexpired term.

SEC. 3. Each member of said Board shall before entering upon the duties of his office, be sworn to the faithful discharge thereof. They shall organize at once by the choice of one of their number as chairman and one of their number as secretary. The Board shall, as soon as possible after its organization, establish rules of procedure.

SEC. 4. Whenever any controversy or difference not involving questions which may be the subject of a suit or action in any court of the State, exists between an employer, whether an individual, copartnership or corporation, and his employees, if at the time he employs not less than twenty persons in the same general line of business in any city or parish of this State, the board shall, upon application as hereinafter provided, and as soon as practicable thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, and advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute.

SEC. 5. Such mediation having failed to bring about an adjustment of the said differences, the Board shall immediately make

out a written decision thereon. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the said Board shall cause a copy thereof to be filed with the clerk of the court of the city or parish where said business is carried on.

SEC. 6. Said application for arbitration and conciliation to said Board can be made by either or both parties to the controversy, and shall be signed in the respective instances by said employer or by a majority of the employees in the department of the business in which the controversy or difference exists, or the duly authorized agent of either or both parties. When an application is signed by an agent claiming to represent a majority of such employees, the Board shall satisfy itself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving authority shall be kept secret by said board.

SEC. 7. Said application shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work in the same manner as at the time of the application without any lockout or strike until the decision of said Board, if it shall be made within ten days of the date of filing said application.

SEC. 8. As soon as may be after the receipt of said application, the secretary of said Board shall cause public notice to be given of the time and place for the hearing therein, but public notice need not be given when both parties join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the Board may order, and the Board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. Should the petitioner or petitioners fail to perform the promise made in said application, the Board shall proceed no further therein until said petitioner or petitioners have complied with every order and requirement of the Board.

SEC. 9. The Board shall have power to summon as witnesses any operative in the department of the business affected, and any person who keeps the records of wages earned in those departments, and examine them under oath, and to require the pro-

duction of books and papers containing the record of wages earned or paid. Summons may be signed and oaths administered by any member of the Board. The Board shall have the right to compel the attendance of witnesses or the production of papers.

SEC. 10. Whenever it is made to appear to the Mayor of a city or the judge of any District Court in any parish, other than the parish of Orleans, that a strike or lockout is seriously threatened or actually occurs, the Mayor of such city or judge of the District Court of such parish shall at once notify the State Board of the fact. Whenever it shall come to the knowledge of the State Board, either by the notice of the Mayor of a city or the judge of the District Court of the parish, as provided in the preceding part of this section, or otherwise, that a lockout or strike is seriously threatened, or has actually occurred, in any city or parish of this State, involving an employer and his present or past employees, if at the time he is employing, or up to the occurrence of a strike or lockout was employing not less than twenty persons in the same general line of business in any city or parish in the State, it shall be the duty of the State Board to put itself in communication as soon as may be with such employer and employees.

SEC. 11. It shall be the duty of the State Board in the above-described cases to endeavor, by mediation or conciliation, to effect an amicable settlement between them, and to endeavor to persuade them, provided a strike or lockout has not actually occurred or is not then continuing, to submit the matters in dispute to the State Board of Arbitration and Conciliation; and the State Board shall, whether the same be mutually submitted to them or not, investigate the cause or causes of such controversy, and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and shall make and publish a report finding such cause or causes and assigning such responsibility or blame. The Board shall have the same powers for the foregoing purposes as are given it by Section 9 of this act.

SEC. 12. The said State Board shall make a biennial report to the Governor and Legislature, and shall include therein such statements, facts and explanations as will disclose the actual workings of the Board, and such suggestions as to legislation as

may seem to the members of the board conducive to the relations of and disputes between employers and employees.

SEC. 13. The members of said State Board of Arbitration and conciliation, hereby created, shall each be paid five dollars a day for each day of actual service, and their necessary traveling and other expenses. The chairman of the Board shall quarterly certify the amount due each member, and, on presentation of his certificate the Auditor of the State shall draw his warrant on the Treasury of the State for the amount.

SEC. 14. This act shall take effect and be in force from and after its passage. [*Approved July 12, 1894.*]

WISCONSIN.

[CHAPTER 364.]

An Act to provide for a state board of arbitration and conciliation for the settlement of differences between employers and their employes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The governor of the state shall within sixty days after the passage and publication of this act appoint three competent persons in the manner hereinafter provided, to serve as a state board of arbitration and conciliation. One of such board shall be an employer, or selected from some association representing employers of labor; one shall be selected from some labor organization and not an employer of labor; and the third shall be appointed upon the recommendation of the other two; provided, however, that if the two appointed by the governor as herein provided do not agree upon the third member of such board at the expiration of thirty days, the governor shall appoint such third member. The members of said board shall hold office for the term of two years and until their successors are appointed. If a vacancy occurs at any time the governor shall appoint a member of such board to serve out the unexpired term, and he may remove any member of said board. Each member of such board shall before entering upon the duties of his office be sworn to support the constitution of the

United States, the constitution of the state of Wisconsin, and to faithfully discharge the duties of his office. Said board shall at once organize by the choice of one of their number as chairman and another as secretary.

SECTION 2. Said board shall as soon as possible after its organization establish such rules of procedure as shall be approved by the governor and attorney-general.

SECTION 3. Whenever any controversy or difference not the subject of litigation in the courts of this state exists between an employer, whether an individual, co-partnership or corporation, and his employees, if at the time he employs not less than twenty-five persons in the same general line of business in any city, village or town in this state, said board shall upon application as hereinafter provided, and as soon as practicable thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, (if anything,) should be done or submitted to by either or both to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be published in two or more newspapers published in the locality of such dispute, shall be recorded upon proper books of record to be kept by the secretary of said board, and a succinct statement thereof published in the annual report hereinafter provided for, and said board shall cause a copy of such decision to be filed with the clerk of the city, village or town where said business is carried on.

SECTION 4. Said application shall be signed by said employer, or by a majority of his employees in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievances complained of and a promise and agreement to continue in business or at work without any lockout or strike until the decision of said board; provided, however, that said board shall render its decision within thirty days after the date of filing such application. As soon as may be after the receipt of said application the secretary of said board shall cause public notice to be given of the time and place for the hearing thereof; but public notice need not be given when both parties to the controversy join in the

application and request in writing that no public notice be given. When notice has been given as aforesaid the board may in its discretion appoint two expert assistants to the board, one to be nominated by each of the parties to the controversy; provided, that nothing in this act shall be construed to prevent the board from appointing such other additional expert assistants as they may deem necessary. Such expert assistants shall be sworn to the faithful discharge of their duty, such oath to be administered by any member of the board. Should the petitioner, or petitioners, fail to perform the promise and agreement made in said application, the board shall proceed no further thereupon without the written consent of the adverse party. The board shall have power to subpoena as witnesses any operative in the departments of business affected by the matter in controversy, and any person who keeps the records of wages earned in such departments and to examine them under oath, and to require the production of books containing the record of wages paid. Subpoenas may be signed and oaths administered by any member of the board.

SECTION 5. The decision of the board herein provided for shall be open to public inspection, shall be published in a biennial report to be made to the governor of the state with such recommendations as the board may deem proper, and shall be printed and distributed according to the provisions governing the printing and distributing of other state reports.

SECTION 6. Said decision shall be binding upon the parties who join in said application for six months, or until either party has given the other notice in writing of his intention not to be bound by such decision from and after the expiration of sixty days from the date of said notice. Said notice may be given by serving the same upon the employer or his representative, and by serving the same upon the employes by posting the same in three conspicuous places in the shop, factory, yard or upon the premises where they work.

SECTION 7. The parties to any controversy or difference as described in section 3 of this act may submit the matters in dispute in writing to a local board of arbitration and conciliation; said board may either be mutually agreed upon or the employer may designate one of such arbitrators, the employes or their duly authorized agent another, and the two arbitrators

so designated may choose a third, who shall be chairman of such local board ; such board shall in respect to the matters referred to it have and exercise all the powers which the state board might have and exercise, and its decision shall have such binding effect as may be agreed upon by the parties to the controversy in the written submission. The jurisdiction of such local board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the state board. Such local board shall render its decision in writing within ten days after the close of any hearing held by it, and shall file a copy thereof with the secretary of the state board. Each of such local arbitrators shall be entitled to receive from the treasurer of the city, village or town in which the controversy or difference that is the subject of arbitration exists, if such payment is approved in writing by the mayor of such city, the board of trustees of such village, or the town board of such town, the sum of three dollars for each day of actual service not exceeding ten days for any one arbitration.

SECTION 8. Whenever it is made to appear to the mayor of a city, the village board of a village, or the town board of a town, that a strike or lockout such as is described in section 9, of this act, is seriously threatened or actually occurs, the mayor of such city, or the village board of such village, or the town board of such town, shall at once notify the state board of such facts, together with such information as may be available.

SECTION 9. Whenever it shall come to the knowledge of the state board by notice as herein provided, or otherwise, that a strike or lockout is seriously threatened, or has actually occurred, which threatens to or does involve the business interests of any city, village or town of this state, it shall be the duty of the state board to investigate the same as soon as may be and endeavor by mediation to effect an amicable settlement between employers and employes, and endeavor to persuade them, provided a strike or lockout has not actually occurred or is not then continuing, to submit the matters in dispute to a local board of arbitration and conciliation as herein provided for, or to the state board. Said state board may if it deems advisable investigate the cause or causes of such controversy, ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and

publish a report finding such cause or causes and assigning such responsibility or blame.

SECTION 10. Witnesses subpoenaed by the state board shall be allowed for their attendance and travel the same fees as are allowed to witnesses in the circuit courts of this state. Each witness shall certify in writing the amount of his travel and attendance, and the amount due him upon approval by the board shall be paid out of the state treasury.

SECTION 11. The members of the state board shall receive the actual and necessary expenses incurred by them in the performance of their duties under this act, and the further sum of five dollars a day each for the number of days actually and necessarily spent by them, the same to be paid out of the state treasury.

SECTION 12. This act shall take effect and be in force from and after its passage and publication. [*Approved April 19, 1895. Published May 3, 1895.*]

MINNESOTA.

[Chapter 170.]

An Act to provide for the settlement of differences between employers and employes, and to authorize the creation of boards of arbitration and conciliation, and to appropriate money for the maintenance thereof.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That within thirty (30) days after the passage of this act the governor shall, by and with the advice and consent of the senate, appoint a state board of arbitration and conciliation, consisting of three competent persons, who shall hold office until their successors are appointed. On the first Monday in January, 1897 and thereafter biennially, the governor, by and with like advice and consent, shall appoint said board, who shall be constituted as follows; One of them shall be an employer of labor, one of them shall be a member selected from some bona fide trade union and not an employer of labor, and who may be chosen from a list submitted by one or more trade and labor assemblies in the State, and the third shall be appointed upon the recommendation of the other two as hereinafter provided, and shall be neither an employe,

or an employer of skilled labor; *provided* — however, that if the two first appointed do not agree in nominating one or more persons to act as the third member before the expiration of ten (10) days, the appointment shall then be made by the governor without such recommendation. Should a vacancy occur at any time, the governor shall in the same manner appoint some one having the same qualifications to serve out the unexpired term, and he may also remove any member of said board.

SEC. 2. The said board shall, as soon as possible after their appointment, organize by electing one of their members as president and another as secretary, and establish, subject to the approval of the governor, such rules of procedure as may seem advisable.

SEC. 3. That whenever any controversy or difference arises, relating to the conditions of employment or rates of wages between any employer, whether an individual, a copartnership or corporation, and whether resident or non-resident, and his or their employes, if at the time he or it employs not less than ten (10) persons in the same general line of business in any city or town in this state, the board shall, upon application, as hereinafter provided, as soon as practicable thereafter, visit the locality of the dispute and make a careful inquiry into the causes thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be submitted to by either or both to adjust said dispute, and within ten days after said inquiry make a written decision thereon. This decision shall at once be made public and a short statement thereof published in a biennial report hereinafter provided for, and the said board shall also cause a copy of said decision to be filed with the clerk of the district court of the county where said business is carried on.

SEC. 4. That said application shall be signed by said employer or by a majority of his employes in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievance alleged, and shall be verified by at least one of the signers. When an application is signed by an agent claiming to represent a majority of such employes, the board shall, before proceeding further, satisfy itself that such agent is duly authorized in writing to represent such employes,

but the names of the employes giving such authority shall be kept secret by said board. Within three days after the receipt of said application the secretary of said board shall cause public notice to be given of the time and place where said hearing shall be held. But public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made notice shall be given to the parties interested in such manner as the board may order; and the board may at any stage of the proceedings cause public notice to be given notwithstanding such request.

SEC. 5. The said board shall have power to summon as witnesses any clerk, agent or employe in the departments of the business who keeps the records of wages earned in those departments, and require the production of books containing the records of wages paid. Summons may be signed and oaths administered by any member of the board. Witnesses summoned before the board shall be paid by the board the same witness fees as witnesses before a district court.

SEC. 6. That upon the receipt of an application, after notice has been given as aforesaid, the board shall proceed as before provided, and render a written decision which shall be open to public inspection, and shall be recorded upon the records of the board and published at the discretion of the same in a biennial report which shall be made to the legislature on or before the first Monday in January of each year in which the legislature is in regular session.

SEC. 7. In all cases where the application is mutual, the decision shall provide that the same shall be binding upon the parties concerned in said controversy or dispute for six months, or until sixty days after either party has given the other notice in writing of his or their intention not to be bound by the same. Such notice may be given to said employes by posting the same in three conspicuous places in the shop, factory or place of employment.

SEC. 8. Whenever it shall come to the knowledge of said board, either by notice from the mayor of a city, the county commissioners, the president of a chamber of commerce or other representative body, the president of the central labor council or assembly, or any five reputable citizens, or otherwise, that what

is commonly known as a strike or lockout is seriously threatened or has actually occurred, in any city or town of the state, involving an employer and his or its present or past employees, if at the time such employer is employing, or up to the occurrence of the strike or lockout was employing, not less than ten persons in the same general line of business in any city or town in this State, and said board shall be satisfied that such information is correct, it shall be the duty of said board, within three days thereafter, to put themselves in communication with such employer and employees and endeavor by mediation to effect an amicable settlement between them, or to persuade them to submit the matter in dispute to a local board of arbitration and conciliation, as hereinafter provided, or to said state board, and the said State board may investigate the cause or causes of such controversy and ascertain which party thereto is mainly responsible for the continuance of the same, and may make and publish a report assigning such responsibility. The said board shall have the same powers for the foregoing purposes as are given them by sections three and four of this act.

SEC. 9. The parties to any controversy or difference, as specified in this act, may submit the matter in dispute in writing to a local board of arbitration and conciliation; such board may either be mutually agreed upon, or the employer may designate one of the arbiters, the employees or their duly authorized agent another, and the two arbiters so designated may choose a third, who shall also be chairman of the board. Each arbiter so selected shall sign a consent to act as such, and shall take and subscribe an oath before an officer authorized to administer oaths to faithfully and impartially discharge his duty as such arbiter, which consent and oath shall be filed in the office of the clerk of the district court of the county where such dispute arises. Such board shall, in respect to the matters submitted to them, have and exercise all the powers which the state board might have and exercise, and their decisions shall have whatever binding effect may be agreed to by the parties to the controversy in the written submission. Vacancies in such local boards may be filled in the same manner as the regular appointments are made. It shall be the duty of said state board to aid and assist in the formation of such local boards throughout the state in advance of any strike or lockout, whenever and wherever in their judgment the formation of such local boards will have a tendency to prevent

or allay the occurrence thereof. The jurisdiction of such local boards shall be exclusive in respect to the matters submitted to them; but they may ask and receive the advice and assistance of the state board. The decisions of such local boards shall be rendered within ten days after the close of any hearing held before them; such decision shall at once be filed with the clerk of the district court of the county in which such controversy arose, and a copy thereof shall be forwarded to the state board.

SEC. 10. Each member of said State board shall receive as compensation five (\$5) dollars a day, including mileage, for each and every day actually employed in the performance of the duties provided for by this act; such compensation shall be paid by the state treasurer on duly detailed vouchers approved by said board and by the governor.

SEC. 11. The said board, in their biennial reports to the legislature, shall include such statements, facts and explanations as will disclose the actual workings of the board and such suggestions with regard to legislation as may seem to them conducive to harmonizing the relations of and the disputes between employers and employes; and the improvement of the present relations between labor and capital. Such biennial reports of the board shall be printed in the same manner and under the same regulations as the reports of the executive officers of the state.

SEC. 12. There is hereby annually appropriated out of any money in the state treasury not otherwise appropriated the sum of two thousand dollars, or so much thereof as may be necessary for the purposes of carrying out the provisions of this act.

SEC. 13. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 14. This act shall take effect and be in force from and after its passage. [*Approved April 25, 1895.*]

CONNECTICUT.

[CHAPTER CCXXXIX.]

An Act creating a State Board of Mediation and Arbitration.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SECTION 1. During each biennial session of the general assembly, the governor shall, with the advice and consent of

the senate, appoint a state board of mediation and arbitration, to consist of three competent persons, each of whom shall hold his office for the term of two years. One of said persons shall be selected from the party which at the last general election cast the greatest number of votes for governor of this state, and one of said persons shall be selected from the party which at the last general election cast the next greatest number of votes for governor of this state, and the other of said persons shall be selected from a *bona fide* labor organization of this state. Said board shall select one of its number to act as clerk or secretary, whose duty it shall be to keep a full and faithful record of the proceedings of the board, and also to keep and preserve all documents and testimony submitted to said board; he shall have power under the direction of the Board, to issue subpoenas, and to administer oaths in all cases before said board, and to call for and examine the books, papers and documents of the parties to such cases. Said arbitrators shall take and subscribe to the constitutional oath of office before entering upon the discharge of their duties.

SEC. 2. Whenever any grievance or dispute of any nature shall arise between any employer and his employés, it shall be lawful for the parties to submit the same directly to the state board of mediation and arbitration, in case such parties elect to do so, and shall notify said board, or its clerk, in writing, of such election. Whenever such notification to said board or its clerk is given, it shall be the duty of said board to proceed, with as little delay as possible, to the locality of such grievance or dispute, and inquire into the cause or causes of the grievance or dispute. The parties to the grievance or dispute shall thereupon submit to said board, in writing, succinctly, clearly, and in detail, their grievances and complaints, and the cause or causes thereof, and severally promise and agree to continue in business, or at work, without a strike or lockout, until the decision of said board is rendered; *provided*, it shall be rendered within ten days after the completion of the investigation. The board shall thereupon proceed fully to investigate and inquire into the matters in controversy, and to take testimony under oath in relation thereto, and shall have power, by its chairman or clerk, to administer oaths, to issue subpoenas for the attendance of witnesses, and the production of books and papers.

SEC. 3. After a matter has been fully heard, the said board, or a majority of its members, shall, within ten days, render a decision thereon in writing, signed by the members of the board, or a majority of them, stating such details as will clearly show the nature of the decision and the points disposed of by said board. The decision shall be in triplicate, one copy of which shall be filed by the clerk of the board in the office of the town or city clerk in the town where the controversy arose, and one copy shall be served on each of the parties to the controversy.

SEC. 4. Whenever a strike or lockout shall occur, or is seriously threatened in any part of the state, and shall come to the knowledge of the board, it shall be its duty, and it is hereby directed to proceed, as soon as practicable, to the locality of such strike or lockout and put itself in communication with the parties to the controversy, and endeavor by mediation to effect an amicable settlement of such strike or lockout; and, if in the judgment of said board it is best, it shall inquire into the cause or causes of the controversy, and to that end the board is hereby authorized to subpoena witnesses, and send for persons and papers.

SEC. 5. Said board shall, on or before the first day of December in each year, make a report to the Governor, and shall include therein such statements, facts, and explanations as will disclose the actual working of the board, and such suggestions as to legislation as may seem to it conducive to harmony in the relations between employers and employed, and to the improvement of the present system of production.

SEC. 6. Whenever the term "employer" or "employers" is used in this act it shall be held to include "firm," "joint-stock association," "company" or "corporation," as fully as if each of the last-named terms was expressed in each place.

SEC. 7. The members of the board shall receive as compensation for actual services rendered under this act, the sum of five dollars per day and expenses, upon presentation of their voucher to the comptroller, approved by the governor.

SEC. 8. This act shall take effect from its passage. [*Approved June 28, 1895.*]

ILLINOIS.

[SPECIAL SESSION.]

An Act to create a State Board of Arbitration for the investigation or settlement of differences between employers and their employes, and to define the powers and duties of said board.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* As soon as this act shall take effect the Governor, by and with the advice and consent of the Senate, shall appoint three persons, not more than two of whom shall belong to the same political party, who shall be styled a State "Board of Arbitration," to serve as a State Board of Arbitration and Conciliation; one and only one of whom shall be an employer of labor, and one and only one of whom shall be an employé and shall be selected from some labor organization. They shall hold office until March 1, 1897, or until their successors are appointed, but said board shall have no power to act as such until they and each of them are confirmed by the Senate. On the first day of March, 1897, the Governor, with the advice and consent of the Senate, shall appoint three persons as members of said board in the manner above provided, one to serve for one year, one for two years and one for three years, or until their respective successors are appointed, and on the first day of March in each year thereafter the Governor shall in the same manner appoint one member of said board to succeed the member whose term expires, and to serve for the term of three years, or until his successor is appointed. If a vacancy occurs at any time, the Governor shall in the same manner appoint some one to serve out the unexpired term. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge thereof. The board shall at once organize by the choice of one of their number as chairman, and they shall, as soon as possible after such organization, establish suitable rules of procedure. The board shall have power to select and remove a secretary, who shall be a stenographer, and who shall receive a salary to be fixed by the board, not to exceed \$1,200 per annum and his necessary traveling expenses, on bills of

items to be approved by the board, to be paid out of the State treasury.

§ 2. When any controversy or difference not involving questions which may be the subject of an action at law or a bill in equity, exists between an employer, whether an individual, co-partnership or corporation, employing not less than twenty-five persons, and his employes in this State, the board shall, upon application as herein provided, and as soon as practicable thereafter, visit the locality of the dispute and make a careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by both to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report herein-after provided for, and the board shall cause a copy thereof to be filed with the clerk of the city, town or village where said business is carried on.

§ 3. Said application shall be signed by said employer or by a majority of his employes in the department of the business in which the controversy or difference exists, or by both parties, and shall contain a concise statement of the grievances complained of and a promise to continue on in business or at work without any lockout or strike until the decision of said board, if it shall be made within three weeks of the date of filing said application. As soon as may be after the receipt of said application, the secretary of said board shall cause public notice to be given of the time and place for the hearing thereon, but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order, and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. The board shall have the power to summon as witness any operative, or expert in the departments of business affected and any person who keeps the records of wages earned in those departments, or any other person, and to examine them under oath, and to require the production of

books containing the record of wages paid. The board shall have power to issue subpoenas, and oaths may be administered by the chairman of the board.

§ 4. Upon the receipt of such application, and after such notice, the board shall proceed as before provided, and render a written decision, which shall be open to public inspection, shall be recorded upon the records of the board and published at the discretion of the same in an annual report to be made to the Governor before the first day of March in each year.

§ 5. Said decision shall be binding upon the parties who join in said application for six months or until either party has given the other notice in writing of his or their intention not to be bound by the same at the expiration of sixty days therefrom. Said notice may be given to said employés by posting in three conspicuous places in the shop or factory where they work.

§ 6. Whenever it shall come to the knowledge of the State board that a strike or lockout is seriously threatened in the State, involving an employer and his employés, if he is employing not less than twenty-five persons, it shall be the duty of the State board to put itself in communication as soon as may be, with such employer or employés, and endeavor by mediation to effect an amicable settlement between them, or to endeavor to persuade them to submit the matters in dispute to the State board.

§ 7. The members of the said board shall each receive a salary of \$1,500 a year, and necessary traveling expenses, to be paid out of the treasury of the State, upon bills of particulars approved by the Governor.

§ 8. Any notice or process issued by the State Board of Arbitration, shall be served by any sheriff, coroner or constable to whom the same may be directed or in whose hands the same may be placed for service.

§ 9. Whereas, an emergency exists, therefore it is enacted that this act shall take effect and be in force from and after its passage. [*Approved August 2, 1895.*]

UTAH.

[CHAPTER LXII.]

An Act to create a State Board of Labor, Conciliation and Arbitration, for the investigation and settlement of differences between Employers and their Employes, and to define the Powers and Duties of the said Board, and to fix their Compensation.

Be it enacted by the Legislature of the State of Utah :

SECTION 1. As soon as this act shall be approved, the Governor, by and with the consent of the Senate, shall appoint three persons, not more than two of whom shall belong to the same political party, who shall be styled a State Board of Labor, Conciliation and Arbitration, to serve as a State Board of Labor, Conciliation and Arbitration, one of whom and only one of whom shall be an employer of labor, and only one of whom shall be an employe, and the latter shall be selected from some labor organization, and the third shall be some person who is neither an employe nor an employer of manual labor, and who shall be chairman of the board. One to serve for one year, one for three years and one for five years as may be designated by the Governor at the time of their appointment, and at the expiration of their terms, their successors shall be appointed in like manner for the term of four years. If a vacancy occurs at any time, the Governor shall, in the same manner appoint some one to serve the unexpired term and until the appointment and qualification of his successor. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge thereof.

SEC. 2. The board shall at once organize by selecting from its members a secretary, and they shall, as soon as possible after such organization, establish suitable rules of procedure.

SEC. 3. When any controversy or difference, not involving questions which may be the subject of an action at law or bill in equity, exists between an employer (whether an individual, copartnership or corporation) employing not less than ten persons, and his employes, in this State, the board shall, upon application as herein provided, and as soon as practicable thereafter, visit the locality of the dispute, and make a careful inquiry into the cause thereof, hear all persons interested therein, who

may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute, and make a written decision thereof.

SEC. 4. This decision shall at once be made public, shall be recorded upon the proper book of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for.

SEC. 5. Said application shall be signed by said employer, or by a majority of his employes in the department of the business in which the controversy or difference exists, or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work without any lockout or strike until a decision of said board, if it shall be made within three weeks of the date of filing the said application.

SEC. 6. As soon as may be after receiving said application, the secretary of said board shall cause public notice to be given, of the time and place for the hearing thereon, but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order, and the board may at any stage of the proceedings, cause public notice, notwithstanding such request.

“SEC. 7. The board shall have the power to summon as witnesses by subpoena any operative or expert in the department of business affected, and any person who keeps the records of wages earned in those departments, or any other person, and to administer oaths, and to examine said witnesses and to require the production of books, papers and records. In case of a disobedience to a subpoena the board may invoke the aid of any court in the State in requiring the attendance and testimony of witnesses and the production of books, papers and documents under the provisions of this section. Any of the district courts of the State, within the jurisdiction of which such inquiry is carried on, may, in case of contumacy or refusal to obey a subpoena issued to any such witness, issue an order requiring such witness to appear before said board and produce books and papers if so ordered, and give evidence touching the matter

in question. Any refusal to obey such order of the court may be punished by such court as a contempt thereof."

SEC. 8. Upon the receipt of such application and after such notice, the board shall proceed as before provided and render a written decision, and the findings of the majority shall constitute the decision of the board, which decision shall be open to public inspection, shall be recorded upon the records of the board and published in an annual report to be made to the Governor before the first day of March in each year.

SEC. 9. Said decision shall be binding upon the parties who join in said application, or who have entered their appearance before said board, until either party has given the other notice in writing of his or their intention not to be bound by the same, and for a period of 90 days thereafter. Said notice may be given to said employees by posting in three conspicuous places where they work.

SEC. 10. Whenever it shall come to the knowledge of the State board that a strike or lockout is seriously threatened in the State involving any employer and his employees, if he is employing not less than ten persons, it shall be the duty of the State board to put itself into communication as soon as may be, with such employer and employees, and endeavor by mediation to effect an amicable settlement between them and endeavor to persuade them to submit the matters in dispute to the State board.

SEC. 11. The members of said board shall each receive a per diem of three dollars for each day's service while actually engaged in the hearing of any controversy between any employer and his employees, and five cents per mile for each mile necessarily traveled in going to and returning from the place where engaged in hearing such controversy, the same to be paid by the parties to the controversy, appearing before said board, and the members of said board shall receive no compensation or expenses for any other service performed under this act.

SEC. 12. Any notice or process issued by the State Board of Arbitration shall be served by any sheriff, to whom the same may be directed, or in whose hands the same may be placed for service without charge. [*Approved March 24, 1896.*]

INDIANA.

[CHAPTER LXXXVIII.]

An Act providing for the creation of a Labor Commission, and defining its duties and powers, and providing for arbitrations and investigations of labor troubles. *Approved March 4, 1897.*

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That there shall be, and is hereby, created a commission to be composed of two electors of the State, which shall be designated the Labor Commission, and which shall be charged with the duties and vested with the powers hereinafter enumerated.

SEC. 2. The members of said Commission shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold office for two years and until their successors shall have been appointed and qualified. One of said Commissioners shall have been for not less than ten years of his life an employe for wages in some department of industry in which it is usual to employ a number of persons under single direction and control, and shall be at the time of his appointment affiliated with the labor interest as distinguished from the capitalist or employing interest. The other of said Commissioners shall have been for not less than ten years an employer of labor for wages in some department of industry in which it is usual to employ a number of persons under single direction and control, and shall be at the time of his appointment affiliated with the employing interest as distinguished from the labor interest. Neither of said Commissioners shall be less than forty years of age; they shall not be members of the same political party, and neither of them shall hold any other State, county, or city office in Indiana during the term for which he shall be appointed. Each of said Commissioners shall take and subscribe an oath, to be endorsed upon his commission, to the effect that he will punctually, honestly, and faithfully discharge his duties as such Commissioner.

SEC. 3. Said Commission shall have a seal and shall be provided with an office at Indianapolis, and may appoint a Secretary who shall be a skillful stenographer and typewriter, and shall receive a salary of six hundred dollars per annum and his

traveling expenses for every day spent by him in the discharge of duty away from Indianapolis.

SEC. 4. It shall be the duty of said Commissioners upon receiving creditable information in any manner of the existence of any strike, lockout, boycott, or other labor complication in this State affecting the labor or employment of fifty persons or more to go to the place where such complication exists, put themselves into communication with the parties to the controversy and offer their services as mediators between them. If they shall not succeed in effecting an amicable adjustment of the controversy in that way they shall endeavor to induce the parties to submit their differences to arbitration, either under the provisions of this act or otherwise, as they may elect.

SEC. 5. For the purpose of arbitration under this act, the Labor Commissioners and the Judge of the Circuit Court, of the county in which the business in relation to which the controversy shall arise, shall have been carried on shall constitute a Board of Arbitrators, to which may be added, if the parties so agree, two other members, one to be named by the employer and the other by the employees in the arbitration agreement. If the parties to the controversy are a railroad company and employees of the company engaged in the running of trains, any terminal within this State, of the road, or of any division thereof, may be taken and treated as the location of the business within the terms of this section for the purpose of giving jurisdiction to the Judge of the Circuit Court to act as a member of the Board of Arbitration.

SEC. 6. An agreement to enter into arbitration under this act shall be in writing and shall state the issue to be submitted and decided and shall have the effect of an agreement by the parties to abide by and perform the award. Such agreement may be signed by the employer as an individual, firm or corporation, as the case may be, and execution of the agreement in the name of the employer by any agent or representative of such employer then and theretofore in control or management of the business or department of business in relation to which the controversy shall have arisen shall bind the employer. On the part of the employees, the agreement may be signed by them in their own person, not less than two-thirds of those concerned in the controversy signing, or it may be signed by a committee

by them appointed. Such committee may be created by election at a meeting of the employees concerned in the controversy at which not less than two-thirds of all such employees shall be present, which election and the fact of the presence of the required number of employees at the meeting shall be evidenced by the affidavit of the chairman and secretary of such meeting attached to the arbitration agreement. If the employees concerned in the controversy, or any of them, shall be members of any labor union or workingmen's society, they may be represented in the execution of said arbitration agreement by officers or committeemen of the union or society designated by it in any manner conformable to its usual methods of transacting business, and others of the employees represented by committee as hereinbefore provided.

SEC. 7. If upon any occasion calling for the presence and intervention of the Labor Commissioners under the provisions of this act, one of said Commissioners shall be present and the other absent, the Judge of the Circuit Court of the county in which the dispute shall have arisen, as defined in section 5, shall upon the application of the Commissioners present, appoint a Commissioner *pro tem.* in the place of the absent Commissioner, and such Commissioner *pro tem.* shall exercise all the powers of a Commissioner under this act until the termination of the duties of the Commission with respect to the particular controversy upon the occasion of which the appointment shall have been made, and shall receive the same pay and allowances provided by this act for the other Commissioners. Such Commissioner *pro tem.* shall represent and be affiliated with the same interests as the absent Commissioner.

SEC. 8. Before entering upon their duties the arbitrators shall take and subscribe an oath or affirmation to the effect that they will honestly and impartially perform their duties as arbitrators and a just and fair award render to the best of their ability. The sittings of the arbitrators shall be in the court room of the Circuit Court, or such other place as shall be provided by the County Commissioners of the county in which the hearing is had. The Circuit Judge shall be the presiding member of the Board. He shall have power to issue subpoenas for witnesses who do not appear voluntarily, directed to the Sheriff of the county, whose duty it shall be to serve the same without

delay. He shall have power to administer oaths and affirmations to witnesses, enforce order, and direct and control the examinations. The proceedings shall be informal in character, but in general accordance with the practice governing the Circuit Courts in the trial of civil causes. All questions of practice, or questions relating to the admission of evidence shall be decided by the presiding member of the Board summarily and without extended argument. The sittings shall be open and public, or with closed doors, as the Board shall direct. If five members are sitting as such Board three members of the Board agreeing shall have power to make an award, otherwise, two. The Secretary of the Commission shall attend the sittings and make a record of the proceedings in shorthand, but shall transcribe so much thereof only as the Commission shall direct.

SEC. 9. The arbitrators shall make their award in writing and deliver the same with the arbitration agreement and their oath as arbitrators to the Clerk of the Circuit Court of the county in which the hearing was had, and deliver a copy of the award to the employer, and a copy to the first signer of the arbitration agreement on the part of the employees. A copy of all the papers shall also be preserved in the office of the Commission at Indianapolis.

SEC. 10. The Clerk of the Circuit Court shall record the papers delivered to him as directed in the last preceding section, in the order book of the Circuit Court. Any person who was a party to the arbitration proceedings may present to the Circuit Court of the county in which the hearing was had, or the Judge thereof in vacation, a verified petition referring to the proceedings and the record of them in the order book and showing that said award has not been complied with, stating by whom and in what respect it has been disobeyed. And thereupon the Court or Judge thereof in vacation shall grant a rule against the party or parties so charged, to show cause within five days why said award has not been obeyed, which shall be served by the Sheriff as other process. Upon return made to the rule the Judge or Court if in session, shall hear and determine the questions presented and make such order or orders directed to the parties before him *in personam*, as shall give just effect to the award. Disobedience by any party to such proceedings of any order so made shall be deemed a contempt of the court and may be pun-

ished accordingly. But such punishment shall not extend to imprisonment except in case of wilful and contumacious disobedience. In all proceedings under this section the award shall be regarded as presumptively binding upon the employer and all employees who were parties to the controversy submitted to arbitration, which presumption shall be overcome only by proof of dissent from the submission delivered to the arbitrators, or one of them, in writing before the commencement of the hearing.

SEC. 11. The Labor Commission, with the advice and assistance of the Attorney-General of the State, which he is hereby required to render, may make rules and regulations respecting proceedings in arbitrations under this act not inconsistent with this act or the law, including forms, and cause the same to be printed and furnished to all persons applying therefor, and all arbitration proceedings under this act shall thereafter conform to such rules and regulations.

SEC. 12. Any employer and his employees, not less than twenty-five in number, between whom differences exist which have not resulted in any open rupture or strike, may of their own motion apply to the Labor Commission for arbitration of their differences, and upon the execution of an arbitration agreement as hereinbefore provided, a Board of Arbitrators shall be organized in the manner hereinbefore provided, and the arbitration shall take place and the award be rendered, recorded and enforced in the same manner as in arbitrations under the provisions found in the preceding sections of this act.

SEC. 13. In all cases arising under this act requiring the attendance of a Judge of the Circuit Court as a member of an Arbitration Board, such duty shall have precedence over any other business pending in his court, and if necessary for the prompt transaction of such other business it shall be his duty to appoint some other Circuit Judge, or Judge of a Superior or the Appellate or Supreme Court to sit in the Circuit Court in his place during the pendency of such arbitration, and such appointee shall receive the same compensation for his services as is now allowed by law to Judges appointed to sit in case of change of Judge in civil actions. In case the Judge of the Circuit Court, whose duty it shall become under this act to sit upon any Board of Arbitrators, shall be at the time actually engaged in a trial which can not be interrupted without loss and

injury to the parties, and which will in his opinion continue for more than three days to come, or is disabled from acting by sickness or otherwise, it shall be the duty of such Judge to call in and appoint some other Circuit Judge, or some Judge of a Superior Court, or the Appellate or Supreme Court, to sit upon such Board of Arbitrators, and such appointed Judge shall have the same power and perform the same duties as member of the Board of Arbitration as are by this act vested in and charged upon the Circuit Judge regularly sitting, and he shall receive the same compensation now provided by law to a Judge sitting by appointment upon a change of Judge in civil cases, to be paid in the same way.

SEC. 14. If the parties to any such labor controversy as is defined in section 4 of this act shall have failed at the end of five days after the first communication of said Labor Commission with them to adjust their differences amicably, or to agree to submit the same to arbitration, it shall be the duty of the Labor Commission to proceed at once to investigate the facts attending the disagreement. In this investigation the Commission shall be entitled, upon request, to the presence and assistance of the Attorney-General of the State, in person or by deputy, whose duty it is hereby made to attend without delay, upon request by letter or telegram from the Commission. For the purpose of such investigation the Commission shall have power to issue subpoenas, and each of the Commissioners shall have power to administer oaths and affirmations. Such subpoena shall be under the seal of the Commission and signed by the Secretary of the Commission, or a member of it, and shall command the attendance of the person or persons named in it at a time and place named, which subpoena may be served and returned as other process by any Sheriff or Constable in the State. In case of disobedience of any such subpoena, or the refusal of any witness to testify, the Circuit Court of the county within which the subpoena was issued, or the Judge thereof in vacation, shall, upon the application of the Labor Commission, grant a rule against the disobeying person or persons, or the person refusing to testify, to show cause forthwith why he or they should not obey such subpoena, or testify as required by the Commission, or be adjudged guilty of contempt, and in such proceedings such court, or the Judge thereof in vacation, shall

be empowered to compel obedience to such subpoena as in the case of subpoena issued under the order and by authority of the court, or to compel a witness to testify as witnesses in court are compelled to testify. But no person shall be required to attend as a witness at any place outside the county of his residence. Witnesses called by the Labor Commission under this section shall be paid \$1.00 per diem fees out of the expense fund provided by this act, if such payment is claimed at the time of their examination.

SEC. 15. Upon the completion of the investigation authorized by the last preceding section, the Labor Commission shall forthwith report the facts thereby disclosed affecting the merits of the controversy in succinct and condensed form to the Governor, who, unless he shall perceive good reason to the contrary, shall at once authorize such report to be given out for publication. And as soon thereafter as practicable, such report shall be printed under the direction of the Commission and a copy shall be supplied to any one requesting the same.

SEC. 16. Any employer shall be entitled, in his response to the inquiries made of him by the Commission in the investigation provided for in the two last preceding sections, to submit in writing to the Commission, a statement of any facts material to the inquiry, the publication of which would be likely to be injurious to his business, and the facts so stated shall be taken and held as confidential, and shall not be disclosed in the report or otherwise.

SEC. 17. Said Commissioners shall receive a compensation of ten dollars each per diem for the time actually expended, and actual and necessary traveling expenses while absent from home in the performance of duty, and each of the two members of a Board of Arbitration chosen by the parties under the provisions of this act shall receive the same compensation for the days occupied in service upon the Board. The Attorney-General, or his deputy, shall receive his necessary and actual traveling expenses while absent from home in the service of the Commission. Such compensation and expenses shall be paid by the Treasurer of State upon warrants drawn by the Auditor upon itemized and verified accounts of time spent and expenses paid. All such accounts, except those of the Commissioners, shall be certified as correct by the Commissioners, or one of them, and the

accounts of the Commissioners shall be certified by the Secretary of the Commission. It is hereby declared to be the policy of this act that the arbitrations and investigations provided for in it shall be conducted with all reasonable promptness and dispatch, and no member of any Board of Arbitration shall be allowed payment for more than fifteen days' service in any one arbitration, and no Commissioner shall be allowed payment for more than ten days' service in the making of the investigation provided for in section 14 and sections following.

SEC. 18. For the payment of the salary of the Secretary of the Commission, the compensation of the Commissioners and other arbitrators, the traveling and hotel expenses herein authorized to be paid, and for witness fees, printing, stationery, postage, telegrams and office expenses there is hereby appropriated out of any money in the Treasury not otherwise appropriated, the sum of five thousand dollars for the year 1897 and five thousand dollars for the year 1898.

IDAHO.

The following bill, having remained with the governor more than ten secular days after the legislature adjourned, became a law March 20, 1897.

An Act to provide for a State Board of Arbitration, for the Settlement of Differences between Employees and their Employers and to provide for Local Boards of Arbitration subordinate thereto.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. The Governor, with the advice and consent of the Senate, shall, on or before the fourth day of March, eighteen hundred and ninety-seven, appoint three competent persons to serve as a State board of Arbitration and Conciliation in the manner hereinafter provided. One of them shall be an employer or selected from some association representing employers of labor; one of them shall be selected from some labor organization and not an employer of labor; the third shall be appointed upon the recommendation of the other two; *Provided, however,* That if the two appointed do not agree on the third man at the expiration of thirty days, he shall then be appointed by the Governor. On or before the fourth day of

March, eighteen hundred and ninety-seven, the Governor, with the advice and consent of the Senate, shall appoint three members of said board in the manner above provided; one to serve for six years; one for four years; and one for two years; or until their respective successors are appointed; and on or before the fourth day of March of each year during which the legislature of this State is in its regular biennial session thereafter, the Governor shall in the same manner appoint one member of said board to succeed the member whose term then expires and to serve for the term of six years or until his successor is appointed. If a vacancy occurs at any time, the Governor shall in the same manner appoint some one to serve out the unexpired term; and he may in like manner remove any member of said board. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge thereof. They shall at once organize by the choice of one of their members as chairman. Said board shall choose one of its members as secretary and may also appoint and remove a clerk of the board, who shall receive pay only for time during which his services are actually required and that at a rate of not more than four dollars per day during such time as he may be employed.

SEC. 2. The board shall, as soon as possible after its organization, establish such rules of procedure as shall be approved by the Governor and Senate.

SEC. 3. Whenever any controversy or difference, not involving questions which may be the subject of a suit at law or bill in equity, exists between an employer, whether an individual, co-partnership or corporation, and his employees if at the time he employs not less than twenty-five persons in the same general line of business in any city or town or village or county in this State, the board shall upon application as hereinafter provided, and as soon as practicable thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the

said board shall cause a copy thereof to be filed with the County Recorder of the county where such business is carried on.

SEC. 4. Said application shall be signed by said employer or by a majority of his employees in the department of the business in which the controversy or difference exists, or their duly authorized agent or by both parties and shall contain a concise statement of the grievance complained of, and a promise to continue in the business or at work without any lockout or strike until the decision of said board if it shall be made in three weeks of the date of filing said application, when an application is signed by an agent claiming to represent a majority of such employees, the board shall satisfy itself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving such authority shall be kept secret by said board. As soon as may be after the receipt of said application, the secretary of said board shall cause public notice to be given of the time and place for the hearing thereof; but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request be made, notice shall be given to the parties interested in such manner as the board may order and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. Should the petitioner or petitioners fail to perform the promise made in said application, the board shall proceed no further thereupon without the written consent of the adverse party. The board shall have the power to summons as witness any operative in the departments of business affected, and any person, who keeps the records of wages earned in those departments and to examine them under oath and to require the production of books containing the record of wages paid. Summons may be signed and oaths administered by any member of the board.

SEC. 5. Upon the receipt of such application and after such notice, the board shall proceed as before provided and render a written decision which shall be open to public inspection shall be recorded upon the records of the board and published at the discretion of the same, in an annual report to be made to the Governor of the State on or before the first day of February of each year.

SEC. 6. Said decision shall be binding upon the parties who join in said application for six months, or until either party has given the other notice in writing of his intention not to be bound by the same at the expiration of sixty days therefrom. Said notice may be given to said employees by posting the same in three conspicuous places in the shop or factory, mill or at the mine where they work or are employed.

SEC. 7. The parties to any controversy or difference as described in Section 3 of this act may submit the matters in dispute, in writing to a local board of arbitration and conciliation, such board may either be mutually agreed upon, or the employer may designate one of the arbitrators, the employees or their duly authorized agent, another, and the two arbitrators so designated may choose a third, who shall be chairman of the board.

Such board shall, in respect to the matters referred to it, have and exercise all the powers which the state board might have and exercise, and its decision shall have whatever binding effect may be agreed by the parties to the controversy in the written submission.

The jurisdiction of such board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the state board. The decision of such board shall be rendered within ten days of the close of any hearing held by it; such decision shall at once be filed with the recorder of the county in which the controversy or difference arose, and a copy thereof shall be forwarded to the state board. Each of such arbitrators shall be entitled to receive from the treasury of the county in which the controversy or difference that is the subject of the arbitration exists, if such payment is approved in writing by the board of commissioners of such county, the sum of three dollars for each day of actual service, not exceeding ten days for any one arbitration, whenever it is made to appear to the mayor of a city or the board of commissioners of a county that a strike or lockout such as described in Section 8 of this act is seriously threatened or actually occurs, the mayor of such city or the board of commissioners of such county shall at once notify the state board of the facts.

SEC. 8. Whenever it shall come to the knowledge of the state board, either by notice from the mayor of a city or the board of commissioners of a county, as provided in the preced-

ing section or otherwise, that a strike or lockout is seriously threatened or has actually occurred in any county or town of the State, involving an employer and his present or past employees, if at the time he is employing, or up to the occurrence of the strike or lockout was employing not less than twenty-five persons in the same general line of business in any county or town in the State, it shall be the duty of the State board to put itself in communication as soon as may be with such employer, and employees, and endeavor by mediation to effect an amicable settlement between them, or to endeavor to persuade them; *Provided*, That a strike or lockout has not actually occurred or is not then continuing, to submit the matters in dispute to a local board of arbitration and conciliation, as above provided, or to the State board; and said State board may, if it deems it advisable, investigate the cause or causes of such controversy, and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given it by Section 3 of this act.

SEC. 9. Witnesses summoned by the State board shall be allowed the sum of fifty cents for each attendance, and the sum of twenty-five cents for each hour of attendance in excess of two hours, and shall be allowed five cents, a mile for travel each way from their respective places of employment or business to the place where the board is in session. Each witness shall certify in writing the amount of his travel and attendance, and the amount due him shall be paid forthwith by the board, and for such purpose the board shall be entitled to draw from the treasury of the State for the payment thereof any of the unappropriated moneys of the State.

SEC. 10. The members of said state board shall be paid six dollars per day for each day that they are actually engaged in the performance of their duties, to be paid out of the treasury of the State, and they shall be allowed their necessary traveling and other expenses, which shall be paid out of the treasury of the State.

COLORADO.

[CHAPTER 2 OF THE SESSION LAWS OF 1897. *Approved March 31.*]

An Act creating a State and local Boards of Arbitration and providing for the adjustment of differences between Employers and Employes and defining the powers and duties thereof and making an appropriation therefor.

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. There shall be established a State Board of Arbitration consisting of three members, which shall be charged, among other duties provided by this Act, with the consideration and settlement by means of arbitration, conciliation and adjustment, when possible, of strikes, lockouts and labor or wage controversies arising between employers and employes.

SECTION 2. Immediately after the passage of this Act the Governor shall appoint a State Board of Arbitration, consisting of three qualified resident citizens of the State of Colorado and above the age of thirty years. One of the members of said Board shall be selected from the ranks of active members of bona fide labor organizations of the State of Colorado, and one shall be selected from active employers of labor or from organizations representing employers of labor. The third member of the Board shall be appointed by the Governor from a list which shall not consist of more than six names selected from entirely disinterested ranks submitted by the two members of the Board above designated. If any vacancy should occur in said Board, the Governor shall, in the same manner, appoint an eligible citizen for the remainder of the term, as herein before provided.

SECTION 3. The third member of said Board shall be Secretary thereof, whose duty it shall be, in addition to his duties as a member of the Board, to keep a full and faithful record of the proceedings of the Board and perform such clerical work as may be necessary for a concise statement of all official business that may be transacted. He shall be the custodian of all documents and testimony of an official character relating to the business of the Board; and shall also have, under direction of a majority of the Board, power to issue subpoenas, to administer oaths to witnesses cited before the Board, to call for and examine books, papers and documents necessary for examination in

the adjustment of labor differences, with the same authority to enforce their production as is possessed by courts of record or the judges thereof in this State.

SECTION 4. Said members of the Board of Arbitration shall take and subscribe the constitutional oath of office, and be sworn to the due and faithful performance of the duties of their respective offices before entering upon the discharge of the same. The Secretary of State shall set apart and furnish an office in the State Capitol for the proper and convenient transaction of the business of said Board.

SECTION 5. Whenever any grievance or dispute of any nature shall arise between employer and employes, it shall be lawful for the parties to submit the same directly to said Board, in case such parties elect to do so, and shall jointly notify said Board or its Clerk in writing of such desire. Whenever such notification is given it shall be the duty of said Board to proceed with as little delay as possible to the locality of such grievance or dispute, and inquire into the cause or causes of such grievance or dispute. The parties to the grievance or dispute shall thereupon submit to said Board in writing, clearly and in detail, their grievances and complaints and the cause or causes therefor, and severally agree in writing to submit to the decision of said Board as to the matters so submitted, promising and agreeing to continue on in business or at work, without a lockout or strike until the decision is rendered by the Board, provided such decision shall be given within ten days after the completion of the investigation. The Board shall thereupon proceed to fully investigate and inquire into the matters in controversy and to take testimony under oath in relation thereto; and shall have power under its Chairman or Clerk to administer oaths, to issue subpoenas for the attendance of witnesses, the production of books and papers in like manner and with the same powers as provided for in Section 3 of this Act.

SECTION 6. After the matter has been fully heard, the said Board, or a majority of its members, shall, within ten days, render a decision thereon in writing, signed by them or a majority of them, stating such details as will clearly show the nature of the decision and the points disposed of by them. The Clerk of said Board shall file four copies of such decision, one with the Secretary of State, a copy served to each of the

parties to the controversy, and one copy retained by the Board.

SECTION 7. Whenever a strike or lockout shall occur or seriously threaten in any part of the State, and shall come to the knowledge of the members of the Board, or any one thereof by a written notice from either of the parties to such threatened strike or lockout, or from the Mayor or Clerk of the city or town, or from the Justice of the Peace of the district where such strike or lockout is threatened, it shall be their duty, and they are hereby directed, to proceed as soon as practicable to the locality of such strike or lockout and put themselves in communication with the parties to the controversy and endeavor by mediation to effect an amicable settlement of such controversy, and, if in their judgment it is deemed best, to inquire into the cause or causes of the controversy: and to that end the Board is hereby authorized to subpoena witnesses, compel their attendance, and send for persons and papers in like manner and with the same powers as it is authorized by Section 3 of this Act.

SECTION 8. The fees of witnesses before said Board of Arbitration shall be two dollars (\$2.00) for each day's attendance, and five (5) cents per mile over the nearest traveled routes in going to and returning from the place where attendance is required by the Board. All subpoenas shall be signed by the Secretary of the Board and may be served by any person of legal age authorized by the Board to serve the same.

SECTION 9. The parties to any controversy or difference as described in Section 5 of this Act may submit the matters in dispute in writing to a local Board of Arbitration and conciliation; said Board may either be mutually agreed upon or the employer may designate one of such arbitrators, the employees or their duly authorized agent another, and the two arbitrators so designated may choose a third who shall be Chairman of such local Board; such Board shall in respect to the matters referred to it have and exercise all the powers which the State Board might have and exercise, and its decision shall have such binding effect as may be agreed upon by the parties to the controversy in the written submission. The jurisdiction of such local Board shall be exclusive in respect to the matter submitted to it, but it may ask and receive the advice and assistance of

the State Board. Such local Board shall render its decision in writing, within ten days after the close of any hearing held by it, and shall file a copy thereof with the Secretary of the State Board. Each of such local arbitrators shall be entitled to receive from the Treasurer of the city, village or town in which the controversy or difference that is the subject of arbitration exists, if such payment is approved by the Mayor of such city, the Board of Trustees of such village, or the Town Board of such town, the sum of three dollars for each day of actual service not exceeding ten days for any one arbitration: Provided, that when such hearing is held at some point having no organized town or city government, in such case the costs of such hearing shall be paid jointly by the parties to the controversy: Provided further that in the event of any local Board of Arbitration or a majority thereof failing to agree within ten (10) days after any case being placed in their hands, the State Board shall be called upon to take charge of said case as provided by this Act.

SECTION 10. Said State Board shall report to the Governor annually, on or before the fifteenth day of November in each year, the work of the Board, which shall include a concise statement of all cases coming before the Board for adjustment.

SECTION 11. The Secretary of State shall be authorized and instructed to have printed for circulation one thousand (1,000) copies of the report of the Secretary of the Board, provided the volume shall not exceed four hundred (400) pages.

SECTION 12. Two members of the Board of Arbitration shall each receive the sum of five hundred dollars (\$500) annually, and shall be allowed all money actually and necessarily expended for traveling and other necessary expenses while in the performance of the duties of their office. The member herein designated to be the Secretary of the Board shall receive a salary of twelve hundred dollars (\$1,200) per annum. The salaries of the members shall be paid in monthly instalments by the State Treasurer upon the warrants issued by the Auditor of the State. The other expenses of the Board shall be paid in like manner upon approved vouchers signed by the Chairman of the Board of Arbitration and the Secretary thereof.

SECTION 13. The terms of office of the members of the Board shall be as follows: That of the members who are to be selected

from the ranks of labor organizations and from the active employers of labor shall be for two years, and thereafter every two years the Governor shall appoint one from each class for the period of two years. The third member of the Board shall be appointed as herein provided every two years. The Governor shall have power to remove any members of said Board for cause and fill any vacancy occasioned thereby.

SECTION 14. For the purpose of carrying out the provisions of this Act there is hereby appropriated out of the General Revenue Fund the sum of seven thousand dollars for the fiscal years 1897 and 1898, only one-half of which shall be used in each year, or so much thereof as may be necessary, and not otherwise appropriated.

SECTION 15. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

WYOMING.

Wyoming was admitted to the Union on July 11, 1890. Article 5 of the Constitution has the following provisions for the arbitration of labor disputes:

SECTION 28. The legislature shall establish courts of arbitration, whose duty it shall be to hear, and determine all differences, and controversies between organizations or associations of laborers, and their employers, which shall be submitted to them in such manner as the legislature may provide.

SECTION 30. Appeals from decisions of compulsory boards of arbitration shall be allowed to the supreme court of the state, and the manner of taking such appeals shall be prescribed by law.

IOWA.

An Act to Authorize the Creation and to Provide for the Operation of Tribunals of Voluntary Arbitration to Adjust Industrial Disputes between Employers and Employed.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the district court of each county, or a judge thereof in vacation, shall have power, and upon the pres-

entation of a petition, or of the agreement hereinafter named, it shall be the duty of said court, or a judge thereof in vacation, to issue in the form hereinafter named, a license or authority for the establishment within and for each county of tribunals for voluntary arbitration and settlement of disputes between employers and employed in the manufacturing, mechanical or mining industries.

SEC. 2. The said petition or agreement shall be substantially in the form hereinafter given, and the petition shall be signed by at least twenty person employed as workmen, and by four or more separate firms, individuals, or corporations within the county, or by at least four employers, each of whom shall employ at least five workmen, or by the representative of a firm, corporation or individual employing not less than twenty men in their trade or industry; *provided*, that at the time the petition is presented, the judge before whom said petition is presented may, upon motion require testimony to be taken as to the representative character of said petitioners, and if it appears that said petitioners do not represent the will of a majority, or at least one-half of each party to the dispute, the license for the establishment of said tribunal may be denied, or may make such other order in this behalf as to him shall seem fair to both sides.

SEC. 3. If the said petition shall be signed by the requisite number of both employers and workmen, and be in proper form and contain the names of the persons to compose the tribunal, being an equal number of employers and workmen, the judge shall forthwith cause to be issued a license substantially in the form hereinafter given, authorizing the existence of such tribunal and fixing the time and place of the first meeting thereof, and an entry of the license so granted shall be made upon the journal of the district court of the county in which the petition originated.

SEC. 4. Said tribunal shall continue in existence for one year from date of the license creating it, and may take jurisdiction of any dispute between employers and workmen in any mechanical, manufacturing, or mining industry, or business, who shall have petitioned for the tribunal, or have been represented in the petition therefor, or who may submit their disputes in writing to such tribunal for decision. Vacancies occurring in the membership of the tribunal shall be filled by the judge or court that

licensed said tribunal, from three names, presented by the members of the tribunal remaining in that class, in which the vacancies occur. The removal of any member to an adjoining county, shall not cause a vacancy in either the tribunal or post of umpire. Disputes occurring in one county may be referred to a tribunal already existing in an adjoining county. The place of umpire in any of said tribunals and vacancies occurring in such place, shall only be filled by the mutual choice of the whole of the representatives, of both employers and workmen constituting the tribunal, immediately upon the organization of the same, and the umpire shall be called upon to act after disagreement is manifested in the tribunal by failure during three meetings held and full discussion had. His award shall be final and conclusive upon such matters only as are submitted to him in writing and signed by the whole of the members of the tribunal, or by parties submitting the same.

SEC. 5. The said tribunal shall consist of not less than two employers or their representatives, and two workmen or their representatives. The exact number which shall in each case constitute the tribunal, shall be inserted in the petition or agreement, and they shall be named in the license issued. The said tribunal, when convened shall be organized by the selection of one of their members as chairman and one as secretary, who shall be chosen by a majority of the members, or if such majority cannot be had after two votes, then by secret ballot, or by lot, as they prefer.

SEC. 6. The members of the tribunal shall receive no compensation for their services from the city or county, but the expenses of the tribunal, other than fuel, light and the use of the room and furniture, may be paid by voluntary subscription, which the tribunal is authorized to receive and expend for such purposes. The sessions of said tribunal shall be held at the county seat of the county where the petition for the same was presented, and a room in the court house or elsewhere for the use of said tribunal shall be provided by the county board of supervisors.

SEC. 7. When no umpire is acting, the chairman of the tribunal shall have power to administer oaths to all witnesses who may be produced, and a majority of said tribunal may provide for the examination and investigation of books, documents and

accounts pertaining to the matters in hearing before the tribunal, and belonging to either party to the dispute; *provided*, that the tribunal may unanimously direct that instead of producing books, papers and accounts before the tribunal, an accountant agreed upon by the entire tribunal may be appointed to examine such books, papers and accounts, and such accountant shall be sworn to well and truly examine such books, documents and accounts, as may be presented to him, and to report the results of such examination in writing to said tribunal. Before such examination, the information desired and required by the tribunal shall be plainly stated in writing, and presented to said accountant, which statement shall be signed by the members of said tribunal, or by a majority of each class thereof. Attorneys at law or other agents of either party to the dispute, shall not be permitted to appear or take part in any of the proceedings of the tribunal, or before the umpire.

SEC. 8. When the umpire is acting he shall preside and he shall have all the power of the chairman of the tribunal, and his determination upon all questions of evidence, or other questions in conducting the inquiries there pending, shall be final. Committees of the tribunal consisting of an equal number of each class may be constituted to examine into any question in dispute between employers and workmen which may have been referred to said committee by the tribunal, and such committee may hear, and settle the same finally, when it can be done by a unanimous vote; otherwise the same shall be reported to the full tribunal, and be there heard as if the question had not been referred. The said tribunal in connection with the said umpire shall have power to make or ordain and enforce rules for the government of the body when in session to enable the business to be proceeded with, in order, and to fix its sessions and adjournments, but such rules shall not conflict with this statute nor with any of the provisions of the constitution and laws of Iowa.

SEC. 9. Before the umpire shall proceed to act, the question or questions in dispute shall be plainly defined in writing and signed by the members of the tribunal, or a majority thereof of each class, or by the parties submitting the same, and such writing shall contain the submission of the decision thereof to the umpire by name, and shall provide that his decision thereon,

after hearing shall be final. The umpire shall be sworn to impartially decide all questions that may be submitted to him during his term of office. The submission and his award may be made in the form hereinafter given, and said umpire must make his award within ten days from the time the question or questions in dispute are submitted to him. Said award shall be made to the tribunal; and if the award is for a specific sum of money, said award may be made a matter of record by filing a copy thereof in the district court of the county wherein the tribunal is in session. When so entered of record it shall be final and conclusive, and the proper court may, on motion of any one interested enter judgment thereon; and when the award is for a specific sum of money may issue final and other process to enforce the same.

SEC. 10. The form of the joint petition or agreement praying for a tribunal under this act shall be as follows:

To the District Court of.....County (or to a judge thereof, as the case may be):

The subscribers hereto being the number, and having the qualifications required in this proceeding, being desirous of establishing a tribunal of voluntary arbitration for the settlement of disputes in the (here name the branch of industry), trade, and having agreed upon A, B, C, D, and E representing the employers, and G, H, I, J, and K representing the workmen, as members of said tribunal, who each are qualified to act thereon, pray that a license for a tribunal in thetrade may be issued to said persons named above.

EMPLOYERS.	Names.	Residence.	Works.	Number employed.

EMPLOYEES.	Names.	Residence.	By whom employed.

SEC. 11. The license to be issued upon such petition may be as follows.

STATE OF IOWA }
COUNTY } ss

Whereas, The joint petition, and agreement of four employers (or representatives of a firm or corporation or individual employing twenty men as the case may be), and twenty workmen have been presented to this court (or if to a judge in vacation so state) praying the creation of a tribunal, of voluntary arbitration for the settlement of disputes in the workman trade within this county and naming A, B, C, D, and E representing the employers, and G, H, I, J, and K representing the workmen. Now in pursuance of the statute for such case made, and provided said named persons are hereby licensed, and authorized to be, and exist as a tribunal of voluntary arbitration for the settlement of disputes between employers, and workmen for the period of one year from this date, and they shall meet, and organize on the _____ day of _____ A. D. _____ at _____

Signed this _____ day of _____, A. D. _____

Clerk of the _____ District Court of _____ County.

SEC. 12. When it becomes necessary to submit a matter in controversy to the umpire it may be in form as follows :

We A, B, C, D, and E representing employers, and G, H, I, J, and K representing workmen composing a tribunal of voluntary arbitration hereby submit, and refer unto the umpirage of L (the umpire of the tribunal of the _____ trade) the following subject-matter, viz.: (Here state full, and clear the matter submitted), and we hereby agree that his decision and determination upon the same shall be binding upon us, and final, and conclusive upon the questions thus submitted, and we pledge ourselves to abide by, and carry out the decision of the umpire when made.

Witness our names this _____ day of _____ A. D. _____

(Signatures) _____

SEC. 13. The umpire shall make his award in writing to the tribunal, stating distinctly his decision on the subject-matter submitted, and when the award is for a specific sum of money, the umpire shall forward a copy of the same to the clerk of the proper court. [Approved March 6, 1886.]

KANSAS.**An Act to establish boards of arbitration, and defining their powers and duties.**

Be it enacted by the Legislature of the State of Kansas :

SECTION 1. That the district court of each county, or a judge thereof in vacation, shall have the power, and upon the presentation of a petition as hereinafter provided it shall be the duty, of said court or judge to issue a license or authority for the establishment within and for any county within the jurisdiction of said court, of a tribunal for voluntary arbitration and settlements of disputes between employers and employed in the manufacturing, mechanical, mining and other industries.

SEC. 2. The said petition shall be substantially in the form hereinafter given, and the petition shall be signed by at least five persons employed as workmen, or by two or more separate firms, individuals, or corporations within the county who are employers within the county: *Provided*, That at the time the petition is presented, the judge before whom said petition is presented may, upon motion, require testimony to be taken as to the representative character of said petitioners, and if it appears that the requisite number of said petitioners are not of the character they represent themselves to be, the establishment of the said tribunal may be denied, or he may make such other order in that behalf as shall to him seem fair to both sides.

SEC. 3. If the said petition shall be signed by the requisite number of either employers or workmen, and be in proper form, the judge shall forthwith cause to be issued a license, authorizing the existence of such a tribunal and containing the names of four persons to compose the tribunal, two of whom shall be workmen and two employers, all residents of said county, and fixing the time and place of the first meeting thereof; and an entry of the license so granted shall be made upon the journal of the district court of the county in which the petition originated.

SEC 4. Said tribunal shall continue in existence for one year. from the date of the license creating it, and may take jurisdiction of any dispute between employers and workmen in any mechanical, manufacturing, mining, or other industry, who may

submit their disputes in writing to such tribunal for decision. Vacancies occurring in the membership of the tribunal shall be filled by the judge or court that licensed said tribunal. Disputes occurring in one county may be referred to a tribunal already existing in an adjoining county. Said court at the time of the issuance of said license shall appoint an umpire for said tribunal, who shall be sworn to impartially decide all questions that may be submitted to him during his term of office. The umpire shall be called upon to act after disagreement is manifested in the tribunal by failure to agree during three meetings held and full discussion had. His award shall be final and conclusive upon such matters only as are submitted to him in writing and signed by the whole of the members of the tribunal, or by parties submitting the same. And the award of said tribunal shall be final and conclusive upon the questions so submitted to it: *Provided*, That said award may be impeached for fraud, accident or mistake.

SEC. 5. The said tribunal when convened shall be organized by the selection of one of their number as chairman, and one as secretary, who shall be chosen by a majority of the members.

SEC. 6. The members of the tribunal and the umpire shall each receive as compensation for their services, out of the treasury of the county in which said dispute shall arise, two dollars for each day of actual service. The sessions of said tribunal shall be held at the county seat of the county where the petition for the same was presented, and a suitable room for the use of said tribunal shall be provided by the county commissioners.

SEC. 7. All submissions of matters in dispute shall be made to the chairman of said tribunal, who shall file the same. The chairman of the tribunal shall have power to administer oaths to all witnesses who may be produced, and a majority of said tribunal may provide for the examination and investigation of books, documents and accounts necessary, material, and pertaining to the matters in hearing before the tribunal, and belonging to either party to the dispute. The umpire shall have power when necessary to administer oaths and examine witnesses, and examine and investigate books, documents and accounts pertaining to the matters submitted to him for decision.

SEC. 8. The said tribunal shall have power to make, ordain and enforce rules for the government of the body, when in ses-

sion, to enable the business to be proceeded with in order, and to fix its sessions and adjournments; but such rules shall not conflict with this statute nor with any of the provisions of the constitution and laws of the state: *Provided*, That the chairman of said tribunal may convene said tribunal in extra session at the earliest day possible, in cases of emergency.

SEC. 9. Before the umpire shall proceed to act, the question or questions in dispute shall be plainly defined in writing and signed by the members of the tribunal or a majority thereof, or by the parties submitting the same; and such writing shall contain the submission of the decision thereof to the umpire by name, and shall provide that his decision thereon after hearing shall be final; and said umpire must make his award within five days from the time the question or questions in dispute are submitted to him. Said award shall be made to the tribunal; and if the award is for a specific sum of money, said award of money, or the award of the tribunal, when it shall be for a specific sum, may be made a matter of record by filing a copy thereof in the district court of the county wherein the tribunal is in session. When so entered of record it shall be final and conclusive, and the proper court may on motion of anyone interested, enter judgment thereon; and when the award is for a specific sum of money may issue final and other process to enforce the same: *Provided*, That any such award may be impeached for fraud, accident, or mistake.

SEC. 10. The form of the petition praying for a tribunal under this act shall be as follows:—

To the District Court of County (or a judge thereof, as the case may be): The subscribers hereto being the number and having the qualifications required in this proceeding, being desirous of establishing a tribunal of voluntary arbitration for the settlement of disputes in the manufacturing, mechanical, mining and other industries, pray that a license for a tribunal of voluntary arbitration may be issued, to be composed of four persons and an umpire, as provided by law.

SEC. 11. This act to be in force and take effect from and after its publication in the official state paper. [*Published February 25, 1886.*]

PENNSYLVANIA.

An Act to establish boards of arbitration to settle all questions of wages and other matters of variance between capital and labor.

WHEREAS, The great industries of this Commonwealth are frequently suspended by strikes and lockouts resulting at times in criminal violation of the law and entailing upon the State vast expense to protect life and property and preserve the public peace:

And, whereas, No adequate means exist for the adjustment of these issues between capital and labor, employers and employes, upon an equitable basis where each party can meet together upon terms of equality to settle the rates of compensation for labor and establish rules and regulations for their branches of industry in harmony with law and a generous public sentiment: Therefore,

SECTION 1. *Be it enacted, &c.,* That whenever any differences arise between employers and employes in the mining, manufacturing or transportation industries of the Commonwealth which cannot be mutually settled to the satisfaction of a majority of all parties concerned, it shall be lawful for either party, or for both parties jointly, to make application to the court of common pleas wherein the service is to be performed about which the dispute has arisen to appoint and constitute a board of arbitration to consider, arrange and settle all matters at variance between them which must be fully set forth in the application, such application to be in writing and signed and duly acknowledged before a proper officer by the representatives of the persons employed as workmen, or by the representatives of a firm, individual or corporation, or by both, if the application is made jointly by the parties; such applicants to be citizens of the United States, and the said application shall be filed with the record of all proceedings had in consequence thereof among the records of said court.

SECTION 2. That when the application duly authenticated has been presented to the court of common pleas, as aforesaid, it shall be lawful for said court, if in its judgment the said application allege matters of sufficient importance to warrant the intervention of a board of arbitrators in order to preserve the public

peace, or promote the interests and harmony of labor and capital, to grant a rule on each of the parties to the alleged controversy, where the application is made jointly, to select three citizens of the county of good character and familiar with all matters in dispute to serve as members of the said board of arbitration which shall consist of nine members all citizens of this Commonwealth; as soon as the said members are appointed by the respective parties to the issue, the court shall proceed at once to fill the board by the selection of three persons from the citizens of the county of well-known character for probity and general intelligence, and not directly connected with the interests of either party to the dispute, one of whom shall be designated by the said judge as president of the board of arbitration.

Where but one party makes application for the appointment of such board of arbitration the court shall give notice by order of court to both parties in interest, requiring them each to appoint three persons as members of said board within ten days thereafter, and in case either party refuse or neglects to make such appointment the court shall thereupon fill the board by the selection of six persons who, with the three named by the other party in the controversy, shall constitute said board of arbitration.

The said court shall also appoint one of the members thereof secretary to the said board, who shall also have a vote and the same powers as any other member, and shall also designate the time and place of meeting of the said board. They shall also place before them copies of all papers and minutes of proceedings to the case or cases submitted.

SECTION 3. That when the board of arbitrators has been thus appointed and constituted, and each member has been sworn or affirmed and the papers have been submitted to them, they shall first carefully consider the records before them and then determine the rules to govern their proceedings; they shall sit with closed doors until their organization is consummated after which their proceedings shall be public. The president of the board shall have full authority to preserve order at the sessions and may summon or appoint officers to assist and in all ballotings he shall have a vote. It shall be lawful for him at the request of any two members of the board to send for persons, books and papers, and he shall have power to enforce their presence and to require them to testify in any matter before

the board, and for any wilful failure to appear and testify before said board, when requested by the said board, the person or persons so offending shall be guilty of a misdemeanor, and on conviction thereof in the court of quarter sessions of the county where the offence is committed, shall be sentenced to pay a fine not exceeding five hundred dollars and imprisonment not exceeding thirty days, either or both, at the discretion of the court.

SECTION 4. That as soon as the board is organized the president shall announce that the sessions are opened and the variants may appear with their attorneys and counsel, if they so desire, and open their case, and in all proceedings the applicant shall stand as plaintiff, but when the application is jointly made, the employes shall stand as plaintiff in the case, each party in turn shall be allowed a full and impartial hearing and may examine experts and present models, drawings, statements and any proper matter bearing on the case, all of which shall be carefully considered by the said board in arriving at their conclusions, and the decision of the said board shall be final and conclusive of all matters brought before them for adjustment, and the said board of arbitration may adjourn from the place designated by the court for holding its sessions, when it deems it expedient to do so, to the place or places where the dispute arises and hold sessions and personally examine the workings and matters at variance to assist their judgment.

SECTION 5. That the compensation of the members of the board of arbitration shall be as follows, to wit: each shall receive four dollars per diem and ten cents per mile both ways between their homes and the place of meeting by the nearest comfortable routes of travel to be paid out of the treasury of the county where the arbitration is held, and witnesses shall be allowed from the treasury of the said county the same fees now allowed by law for similar services.

SECTION 6. That the board of arbitrators shall duly execute their decision which shall be reached by a vote of a majority of all the members by having the names of those voting in the affirmative signed thereon and attested by the secretary, and their decisions, together with all the papers and minutes of their proceedings, shall be returned to and filed in the court aforesaid for safe keeping.

SECTION 7. All laws and parts of laws inconsistent with the provisions of this act be and the same are hereby repealed.
[Approved the 18th day of May, A.D. 1893.]

TEXAS.

[CHAPTER 379.]

An Act to provide for the amicable adjustment of grievances and disputes that may arise between employers or receiver and employes, and to authorize the creation of a board of arbitration; to provide for compensation of said board, and to provide penalties for the violation hereof.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That whenever any grievance or dispute of any nature, growing out of the relation of employer and employes, shall arise or exist between employer and employes, it shall be lawful upon mutual consent of all parties, to submit all matters respecting such grievance or dispute in writing to a board of arbitrators to hear, adjudicate, and determine the same. Said board shall consist of five (5) persons. When the employes concerned in such grievance or dispute as the aforesaid are members in good standing of any labor organization which is represented by one or more delegates in a central body, the said central body shall have power to designate two (2) of said arbitrators, and the employer shall have the power to designate two (2) others of said arbitrators, and the said four arbitrators shall designate a fifth person as arbitrator, who shall be chairman of the board. In case the employes concerned in any such grievance or dispute as aforesaid are members in good standing of a labor organization which is not represented in a central body, then the organization of which they are members shall designate two members of said board, and said board shall be organized as hereinbefore provided; and in case the employes concerned in any such grievance or dispute as aforesaid are not members of any labor organization, then a majority of said employes, at a meeting duly held for that purpose, shall designate two arbitrators for said board, and said board shall be organized as hereinbefore provided: *Provided*, that when the two arbitrators selected by the respective parties to the contro-

versy, the district judge of the district having jurisdiction of the subject matter shall, upon notice from either of said arbitrators that they have failed to agree upon the fifth arbitrator, appoint said fifth arbitrator.

SEC. 2. That any board as aforesaid selected may present a petition in writing to the district judge of the county where such grievance or dispute to be arbitrated may arise, signed by a majority of said board, setting forth in brief terms the facts showing their due and regular appointment, and the nature of the grievance or dispute between the parties to said arbitration, and praying the license or order of such judge establishing and approving of said board of arbitration. Upon the presentation of said petition it shall be the duty of said judge, if it appear that all requirements of this act have been complied with, to make an order establishing such board of arbitration and referring the matters in dispute to it for hearing, adjudication and determination. The said petition and order, or a copy thereof, shall be filed in the office of the district clerk of the county in which the arbitration is sought.

SEC. 3. That when a controversy involves and affects the interests of two or more classes or grades of employes belonging to different labor organizations, or of individuals who are not members of a labor organization, then the two arbitrators selected by the employes shall be agreed upon and selected by the concurrent action of all such labor organizations, and a majority of such individuals who are not members of a labor organization.

SEC. 4. The submission shall be in writing, shall be signed by the employer or receiver and the labor organization representing the employes, or any laborer or laborers to be affected by such arbitration who may not belong to any labor organization, shall state the question to be decided, and shall contain appropriate provisions by which the respective parties shall stipulate as follows :

1. That pending the arbitration the existing status prior to any disagreement or strike shall not be changed.

2. That the award shall be filed in the office of the clerk of the district court of the county in which said board of arbitration is held, and shall be final and conclusive upon both parties, unless set aside for error of law, apparent on the record.

3. That the respective parties to the award will each faithfully execute the same, and that the same may be specifically enforced in equity so far as the powers of a court of equity permit.

4. That the employes dissatisfied with the award shall not by reason of such dissatisfaction quit the service of said employer or receiver before the expiration of thirty days, nor without giving said employer or receiver thirty days written notice of their intention so to quit.

5. That said award shall continue in force as between the parties thereto for the period of one year after the same shall go into practical operation, and no new arbitration upon the same subject between the same parties shall be had until the expiration of said one year.

SEC. 5. That the arbitrators so selected shall sign a consent to act as such and shall take and subscribe an oath before some officer authorized to administer the same to faithfully and impartially discharge his duties as such arbitrator, which consent and oath shall be immediately filed in the office of the clerk of the district court wherein such arbitrators are to act. When said board is ready for the transaction of business it shall select one of its members to act as secretary and the parties to the dispute shall receive notice of a time and place of hearing, which shall be not more than ten days after such agreement to arbitrate has been filed.

SEC. 6. The chairman shall have power to administer oaths and to issue subpoenas for the production of books and papers and for the attendance of witnesses to the same extent that such power is possessed by the court of record or the judge thereof in this State. The board may make and enforce the rules for its government and transaction of the business before it and fix its sessions and adjournment, and shall herein examine such witnesses as may be brought before the board, and such other proof as may be given relative to the matter in dispute.

SEC. 7. That when said board shall have rendered its adjudication and determination its powers shall cease, unless there may be at the time in existence other similar grievances or disputes between the same class of persons mentioned in section 1, and in such case such persons may submit their differences to said board, which shall have power to act and adjudicate and

determine the same as fully as if said board was originally created for the settlement of such difference or differences.

SEC. 8. That during the pendency of arbitration under this act it shall not be lawful for the employer or receiver party to such arbitration, nor his agent, to discharge the employes parties thereto, except for inefficiency, violation of law, or neglect of duty, or where reduction of force is necessary, nor for the organization representing such employes to order, nor for the employes to unite in, aid or abet strikes or boycotts against such employer or receiver.

SEC. 9. That each of the said board of arbitrators shall receive three dollars per day for every day in actual service, not to exceed ten (10) days, and traveling expenses not to exceed five cents per mile actually traveled in getting to or returning from the place where the board is in session. That the fees of witnesses of aforesaid board shall be fifty cents for each day's attendance and five cents per mile traveled by the nearest route to and returning from the place where attendance is required by the board. All subpoenas shall be signed by the secretary of the board and may be served by any person of full age authorized by the board to serve the same. That the fees and mileage of witnesses and the per diem and traveling expenses of said arbitrators shall be taxed as costs against either or all of the parties to such arbitration, as the board of arbitrators may deem just, and shall constitute part of their award, and each of the parties to said arbitration shall, before the arbitration (arbitrators) proceed to consider the matters submitted to them, give a bond, with two or more good and sufficient sureties in an amount to be fixed by the board of arbitration, conditioned for the payment of all the expenses connected with the said arbitration.

SEC. 10. That the award shall be made in triplicate. One copy shall be filed in the district clerk's office, one copy shall be given to the employer or receiver, and one copy to the employes or their duly authorized representative. That the award being filed in the clerk's office of the district court, as herein before provided, shall go into practical operation and judgment shall be entered thereon accordingly at the expiration of ten days from such filing, unless within such ten days either party shall file exceptions thereto for matter of law apparent on the

record, in which case said award shall go into practical operation and judgment rendered accordingly when such exceptions shall have been fully disposed of by either said district court or on appeal therefrom.

SEC. 11. At the expiration of ten days from the decision of the district court upon exceptions taken to said award as aforesaid, judgment shall be entered in accordance with said decision, unless during the said ten days either party shall appeal therefrom to the Court of Civil Appeals holding jurisdiction thereof. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said exceptions and to be decided. The determination of said Court of Civil Appeals upon said questions shall be final, and being certified by the clerk of said Court of Civil Appeals, judgment pursuant thereto shall thereupon be entered by said district court. If exceptions to an award are finally sustained, judgment shall be entered setting aside the award; but in such case the parties may agree upon a judgment to be entered disposing of the subject matter of the controversy, which judgment, when entered, shall have the same force and effect as judgment entered upon an award.

SEC. 12. The near approach of the end of the session, and the great number of bills requiring the attention of the Legislature, creates an imperative public necessity and an emergency that the constitutional rule requiring bills to be read in each house on three several days be suspended, and it is so suspended. [*Approved April 24, 1895.*]

MARYLAND.

An Act to provide for the reference of disputes between employers and employees to arbitration.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That whenever any controversy shall arise between any corporation incorporated by this State in which this State may be interested as a stockholder or creditor, and any persons in the employment or service of such corporation, which, in the opinion of the Board of Public Works, shall tend to impair the useful-

ness or prosperity of such corporation, the said Board of Public Works shall have power to demand and receive a statement of the grounds of said controversy from the parties to the same; and if, in their judgment, there shall be occasion so to do, they shall have the right to propose to the parties to said controversy, or to any of them, that the same shall be settled by arbitration; and if the opposing parties to said controversy shall consent and agree to said arbitration, it shall be the duty of said Board of Public Works to provide in due form for the submission of the said controversy to arbitration, in such manner that the same may be finally settled and determined; but if the said corporation or the said person in its employment or service, so engaged in controversy with the said corporation, shall refuse to submit to such arbitration, it shall be the duty of the said Board of Public Works to examine into and ascertain the cause of said controversy, and report the same to the next General Assembly.

SEC. 2. *And be it enacted*, That all subjects of dispute arising between corporations, and any person in their employment or service, and all subjects of dispute between employers and employees, employed by them in any trade or manufacture, may be settled and adjusted in the manner heretofore mentioned.

SEC. 3. *And be it further enacted*, That whenever such subjects of dispute shall arise as aforesaid, it shall be lawful for either party to the same to demand and have an arbitration or reference thereof in the manner following, that is to say: Where the party complaining and the party complained of shall come before, or agree by any writing under their hands, to abide by the determination of any judge or justice of the peace, it shall and may be lawful for such judge or justice of the peace to hear and finally determine in a summary manner the matter in dispute between such parties; but if such parties shall not come before, or so agree to abide by the determination of such judge or justice of the peace, but shall agree to submit their said cause of dispute to arbitrators appointed under the provisions of this act, then it shall be lawful for any such judge or justice of the peace, and such judge or justice of the peace is hereby required, on complaint made before him, and proof that such agreement for arbitration has been entered into, to appoint arbitrators for settling the matters in dispute, and such judge or justice of the peace shall then and there propose

not less than two nor more than four persons, one-half of whom shall be employers and the other half employees, acceptable to the parties to the dispute, respectively, who, together with such judge or justice of the peace, shall have full power finally to hear and determine such dispute.

SEC. 4. *And be it further enacted*, That in all such cases of dispute as aforesaid, as in all other cases, if the parties mutually agree that the matter in dispute shall be arbitrated and determined in a different mode to the one hereby prescribed, such agreement shall be valid, and the award and determination thereon by either mode of arbitration shall be final and conclusive between the parties.

SEC. 5. *And be it further enacted*, That it shall be lawful in all cases for an employer or employee, by writing under his hand, to authorize any person to act for him in submitting to arbitration and attending the same.

SEC. 6. *And be it further enacted*, That every determination of dispute by any judge or justice of the peace shall be given as a judgment of the court over which said judge presides, and of the justice of the peace determining the same; and the said judge or justice of the peace shall award execution thereon as upon verdict, confession or nonsuit; and every award made by arbitrators appointed by any judge or justice of the peace under these provisions of this statute, shall be returned by said arbitrator to the judge or justice of the peace by whom they were appointed; and said judge or justice of the peace shall enter the same as an amicable action between the parties to the same in the court presided over by said judge or justice of the peace, with the same effect as if said action had been regularly commenced in said court by due process of law, and shall thereupon become a judgment of said court, and execution thereon shall be awarded as upon verdict, confession or nonsuit; in the manner provided in article seven of the Public General Laws of Maryland; and in all proceedings under this act, whether before a judge or justice of the peace, or arbitrators, costs shall be taxed as are now allowed by law in similar proceedings, and the same shall be paid equally by the parties to the dispute; such award shall remain four days in court during its sitting, after the return thereof, before any judgment shall be entered thereon; and if it shall appear to the court within that time that the same was

obtained by fraud or malpractice in or by surprise, imposition or deception of the arbitrators, or without due notice to the parties or their attorneys, the court may set aside such award and refuse to give judgment thereon. [*Approved April 1, 1878.*]

MISSOURI.

An Act to provide for a board of mediation and arbitration for the settlement of differences between employers and their employes.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. Upon information furnished by an employer of laborers, or by a committee of employes, or from any other reliable source, that a dispute has arisen between employers and employes, which dispute may result in a strike or lockout, the commissioner of labor statistics and inspection shall at once visit the place of dispute and seek to mediate between the parties, if, in his discretion it is necessary so to do.

SEC. 2. If a mediation can not be effected, the commissioner may at his discretion direct the formation of a board of arbitration, to be composed of two employers and two employes engaged in a similar occupation to the one in which the dispute exists, but who are not parties to the dispute, and the commissioner of labor statistics and inspection, who shall be president of the board.

SEC. 3. The board shall have power to summon and examine witnesses and hear the matter in dispute, and, within three days after the investigation, render a decision thereon, which shall be published, a copy of which shall be furnished each party in dispute, and shall be final, unless objections are made by either party within five days thereafter: Provided, that the only effect of the investigation herein provided for shall be to give the facts leading to such dispute to the public through an unbiased channel.

SEC. 4. In no case shall a board of arbitration be formed when work has been discontinued, either by action of the employer or the employes; should, however, a lockout or strike have occurred before the commissioner of labor statistics could

be notified, he may order the formation of a board of arbitration upon resumption of work.

SEC. 5. The board of arbitration shall appoint a clerk at each session of the board, who shall receive three dollars per day for his services, to be paid, upon approval by the commissioner of labor statistics, out of the fund appropriated for expenses of the bureau of labor statistics. [*Approved April 11, 1889.*]

NORTH DAKOTA.

Chapter 46, of the Acts of 1890, defining the duties of the Commissioner of Agriculture and Labor, has the following:—

SECTION 7. If any difference shall arise between any corporation or person, employing twenty-five or more employes, and such employes, threatening to result, or resulting in a strike on the part of such employes, or a lockout on the part of such employer, it shall be the duty of the commissioner, when requested so to do by fifteen or more of said employes, or by the employers, to visit the place of such disturbance and diligently seek to mediate between such employer and employes.

NEBRASKA.

The law creating the Bureau of Labor and Industrial Statistics of the State of Nebraska, defines the duties of the chief officer as follows:—

SEC. 4. The duties of said commissioner shall be to collect, collate and publish statistics and facts relative to manufacturers, industrial classes, and material resources of the state, and especially to examine into the relations between labor and capital; the means of escape from fire and protection of life and health in factories and workshops, mines and other places of industries; the employment of illegal child labor; the exaction of unlawful hours of labor from any employee; the educational, sanitary, moral, and financial condition of laborers and artisans; the cost of food, fuel, clothing, and building material; the causes of strikes and lockouts, as well as kindred subjects and matters pertaining to the welfare of industrial interests and classes. [*Approved March 31, 1887.*]

PUBLIC DOCUMENT No. 40.

ANNUAL REPORT

OF THE

STATE BOARD OF ARBITRATION AND CONCILIATION

FOR THE YEAR ENDING DECEMBER 31, 1898.

BOSTON:
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
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1899.

CHARLES H. WALCOTT, Chairman.
RICHARD P. BARRY.
CHARLES DANA PALMER.

BERNARD F. SUPPLE, Clerk,
Room 128, State House, Boston.

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THIRTEENTH ANNUAL REPORT.

To the Senate and House of Representatives in General Court assembled.

The subsequent pages of this report contain an account of the varying success of arbitration and conciliation during the year 1898. The controversies to which the attention of the Board has been directed have been fewer than for several years past; but the strikes at New Bedford, Brockton and Marlborough have been sufficiently noteworthy, and have exhibited most of the usual aspects of such contests,—very costly and productive of anxiety to all parties concerned, and as an experience useful only to deter employers and employees from entering again upon such contests, if there is any means of avoiding them. It would not be difficult to avoid them, if only at the beginning a careful examination of the whole situation, a frank recognition of obstinate facts and some appreciation of the immediate and remote consequences to be expected, could be made one-half as prominent as such considerations are sure to

become before the effects of the struggle have altogether disappeared.

A few instances of what is called "private arbitration," in disputes between employer and employed, have come to the knowledge of the Board, but, so far as the Board is informed, have not been attended by any noteworthy circumstances. As in former years, individual members of this Board have been at times invited to become part of such private board or committee; but in all such cases it has been deemed not advisable for a member of this Board to take part as an arbitrator chosen by the parties.

Another rule of procedure which for some time past has governed the action of the Board is that in directing investigations by expert assistants appointed by the Board and receiving their compensation from the Commonwealth, it has seemed proper to limit their movements to this state. This restriction originated in a desire to promote economy in the expenditure of public money, and to secure a reasonable degree of promptness in arriving at decisions. It has, however, never been enforced to the extent of excluding any evidence of prices and conditions prevailing in other states, when such evidence has been submitted in a satisfactory

form, and under circumstances which admitted of reasonable opportunity of verification. Recently in the controversy, still unsettled, in the Marlborough shoe factories, a complaint was expressed by one of the manufacturers that, by reason of the confinement of expert examinations within the bounds of our own state, evidence of actual competition in other and neighboring states could not be brought to the attention of the Board in an effective manner. The Board, after consulting with His Excellency the Governor, informed the parties in Marlborough that if, in the pending dispute, arbitration should at any time be desired by both parties, the Board would undertake to extend the investigation by expert assistants anywhere within the limits of the six New England States, subject only to the exercise of a wise discretion of the Board in view of the circumstances as they might appear. However, there has not yet been any occasion for departing from the usual course in this case, for the reason that, as appears elsewhere in this report, although arbitration in some form has been proposed by both parties, they have remained widely at variance concerning the conditions to be established by agreement as preliminaries to arbitration.

The controversies of which the Board has taken active cognizance during the year involved more or less directly employees whose yearly earnings are estimated at \$4,227,570. The total earnings under ordinary conditions of the factories, etc., involved, are estimated at \$7,849,703.

The expense of maintaining the State Board for the year has been \$8,714.07.

REPORTS OF CASES.

REPORTS OF CASES.

NEW BEDFORD CLOTH MILLS—NEW BEDFORD.

On December 31, 1897, notices were set up in each of the cloth mills of New Bedford, saying:—

NOTICE.

On and after Jan. 17th, 1898, the pay of all persons employed by this corporation will be reduced 10 per cent.

Beginning early in January, meetings were held by the spinners and weavers respectively, to discuss the proposed reduction. The general disposition of the operatives was to strike against the reduction, but some were of the opinion that it would be expedient to wait until spring before taking extreme action. A mass meeting of the weavers manifested a strong sentiment of opposition to the proposed reduction, and a determination to resist it by a strike as soon as an attempt should be made to put the reduction in force. They also brought forward the

old grievance of the system of "fining" the weavers for imperfect work.

On the 6th a committee of the spinners sought and obtained a conference with the agents of several cloth mills which had given notice of a reduction, at which meeting the manufacturers stated the reasons that in their opinion made it necessary to reduce wages.

On the 9th the mule spinners of New Bedford received from their National Union permission to strike; and the next day this Board received a telegram from the Hon. Stephen A. Brownell, formerly mayor of that city, saying:—

I request your presence here today, if possible. Mill strike probable, unless your services can save the terrible calamity. Answer.

STEPHEN A. BROWNELL,

President of the Board of Trade.

In response to the above request, the Board went to New Bedford on the 11th and was met by the mayor, Hon. Charles B. Ashley, and Messrs. Brownell and Raymond, who, with the mayor, were a committee appointed by the Board of Trade to do what might be practicable to assist the State Board to avert a strike. The most prominent points in the situation having

been briefly laid before the Board, and steps taken to obtain an interview with the mill treasurers in the afternoon, an interview was had with Samuel Ross, one of the most prominent representatives of the spinners, who said that he with two others had been chosen by the spinners to meet the State Board. He was informed of the attempts that were being made to obtain an interview with the treasurers in the afternoon, and he undertook with his associates to be in readiness to respond to a message from the Board. No notice had been received that any committee or committees had been chosen by other departments to meet the Board.

At 3 o'clock in the afternoon, according to appointment, the Board met nine treasurers of the cloth mills of New Bedford. At first no other person was present, but before any discussion was had the Board requested that the committee of spinners be admitted to take part in the conference. This was assented to, but upon the condition that none but spinners should be admitted. Thereupon Mr. Ross's committee was sent for and appeared. The session lasted about two hours and a half, but ended without any definite result. In the course of it, suggestions more or less definite were offered on each

side, with a view to averting the strike, which, as all agreed, threatened the city; but no suggestion was made on either side which the other side seemed disposed to entertain with any degree of favor. The members of the Board offered some suggestions for the consideration of the parties respectively, and asked that the whole situation be reconsidered by them before all hope of an understanding should be dismissed.

The Board having learned indirectly that the weavers and operatives in some other departments were disappointed at not meeting the Board when in New Bedford, one of its members went to that city again on the 14th, met representatives of all the different departments or trades involved in the proposed reduction, and established communication between them and the Board.

All departments seemed determined to strike, if the reduction should be insisted upon; and attempts were made to induce the treasurers to postpone decisive action for one week, in the hope that some adjustment might be arrived at. All attempts to avert the calamity were of no avail. On January 17, the appointed day, the strike began, and the cloth mills represented by

nine corporations and operating eighteen mills were soon closed.

Several informal interviews were had from time to time with one or more of the treasurers, and with representatives of the operatives, separately. At length, on February 25, at the instance of the mayor and the Board of Trade, the State Board sought a meeting with the different committees of the operatives. It was then ascertained that, although the weavers were affected in some degree by the general reduction of wages, nevertheless, that matter was considered by them of less importance than the long-standing grievance of fines, or grading, which affected the weavers alone. The Board advised them to meet again by themselves, and all departments to agree upon a common line of action. The Board adjourned, to meet again at the same place on March 2.

On the appointed day the Board was met by a committee representing all classes of operatives involved in the strike, and the latter unanimously requested the Board to ask the treasurers of the cloth mills to meet the weavers' committee in conference regarding the weavers' fines. It was further suggested that the meeting be had in the presence of the State Board,

with the understanding that no party would be bound thereby, except so far as might be agreed.

The following correspondence then ensued:—

NEW BEDFORD, MASS., March 2, 1898.

To the Treasurers of the Cloth Mills of New Bedford.

GENTLEMEN:—At a meeting of this Board held this day in New Bedford, a committee from each department of the operatives came together and unanimously requested the Board to ask you to meet a committee of weavers representing all the weavers of the cloth mills of this city in a conference, for the purpose of discussing and settling what is called the “ fines question,” or what we understand to be the same thing, the question of grading, as it affects the wages of weavers. It was further suggested that the conference, provided the proposal should be assented to, be held in the presence of this Board; but it is to be understood that no party to the proceedings will be bound except so far as the parties may agree. Accordingly the Board hereby presents the above request, in the hope that it will be granted; for whatever may be the result of the proposed meeting, no one can be injured by it, and we venture to express a hope that it may lead to a final settlement, soon afterwards, of the whole controversy, from the effect of which the city is suffering.

Requesting an early reply, I am, very respectfully,

CHARLES H. WALCOTT,

Chairman.

WAMSUTTA MILLS, NEW BEDFORD, MASS., March 3rd, 1898.

MR. CHARLES H. WALCOTT, *Chairman,*
State Board of Arbitration and Conciliation.

DEAR SIR: — Your letter of the 2nd inst. suggesting a conference with a Committee of Weavers upon what is called the “fines question” is received.

While not ignoring any effort towards a better understanding of the question, it is our opinion the more satisfactory result can be obtained by the weavers communicating through you any propositions or suggestions they may have looking to an improvement of the present system. If the weavers are agreed upon a method which they think will secure good work, and will prevent carelessness and indifference, and save the manufacturers from the loss which follows the production of “Seconds,” such suggestions will be carefully considered by us in a spirit of fairness. In our judgment such course is preferable to a conference at this time.

Yours respectfully,

ANDREW G. PIERCE,
For the Treasurers of the Weaving Mills.

A few days later, at the request of the Board, the weavers' conference committee submitted certain propositions in writing concerning the grading system, or fines for imperfect weaving. Subsequently on the same day the Board without comment laid the propositions before the treasurers and requested an early reply. The propositions were as follows: —

NEW BEDFORD, March 7, 1898.

Treasurers of Cloth Mills of New Bedford.

First. — If the weaver is not making cloth of a quality such as will meet the requirements of the manufacturer, said weaver to have his or her attention called to such cloth and to be reprimanded or discharged at the option of the manufacturer, or by any person that the manufacturer may care to appoint to perform such duties.

Second. — In case a weaver has been reprimanded and is still retained by his employer, and said weaver either through incompetency or neglect further produces cloth which in the opinion of the manufacturer (or other person who may have been placed in charge of such work) is below the standard required for such class of goods, said weaver to be paid only one half of the price paid for the higher standard of cloth belonging to such grade or style, and to be discharged if so desired by the manufacturer.

Third. — If the weaver (by mutual consent between himself or herself and the manufacturer, or other person who may be appointed to perform such duties) still continues in the employment of said manufacturer, and said weaver further produces cloth which is claimed by the manufacturer, or any other person placed in charge of such work, as being of an inferior quality, said weaver to be paid full price and immediately discharged. If said weaver is further retained by said manufacturer, none but full prices to be paid.

Fourth. — The manufacturer at all times to have the full right and privilege of obtaining through a court of

law, damages to cloth caused by incompetency or neglect of weaver, said damages not to extend beyond the whole of the price paid for weaving said cloth.

Fifth. — A copy of this agreement signed by the manufacturer or his (or her) agent and to be signed by each weaver at the time of his or her hiring by said corporation, said agreement to hold good for one year from the date of such signing.

Sixth. — If after being hired, and within one year of such hiring said weaver is paid at the lower rate according to clause (2) two, and said weaver is discharged or quits the employment of said manufacturer, and if said weaver is again hired within the year by the same manufacturer or corporation, no new agreement to be made until the expiration of one year from the date of the original signature.

We remain, yours respectfully,

THE CONFERENCE COMMITTEE OF WEAVERS,

WM. CUNNANE, *President.*

On the 8th a letter was received from Mr. Andrew G. Pierce, saying that the propositions transmitted by the Board had been "considered by the treasurers and they will be prepared to meet a committee consisting of an equal number of union and non-union weavers of this city any day after Wednesday next, to consider the same, that may be convenient for you to be present at Room 28, Masonic Building."

This reply was communicated to the weavers,

and March 10 was fixed as the date of the conference. At the time and place fixed a committee of weavers, consisting of three union men and three non-union men, met the treasurers with the Board.

Although it had been understood by all parties that the conference was for the purpose of discussing the six propositions shaped by the weavers' committee, now the spokesman stated that at a meeting of the weavers held March 9 those propositions had been set aside, and a demand for the abolition of all fines for imperfect weaving had been framed, which the committee was instructed to present.

This proposition the treasurers declined to discuss. Then the weavers invited the treasurers to submit any proposition they pleased for their consideration. The treasurers thereupon presented four propositions, concerning the matter of grading, and the meeting dissolved without further action. These propositions were as follows:—

First. — If the Weaver is not making cloth of a quality such as will meet the requirements of the Manufacturer, such Weaver to have his or her attention called to such cloth, and to be reprimanded or discharged at the option

of the Manufacturer, or by any person that the Manufacturer may care to appoint to perform such duties.

Second. — In case a Weaver has been reprimanded and is still retained by his employer, and said Weaver either through incompetency or neglect further produces cloth which in the opinion of the Manufacturer (or other person who may have been placed in charge of such work) is below the standard required for such class of goods, said Weaver to be paid only one-half of the price paid for the higher standard of cloth belonging to such grade, or style, and to be discharged if so desired by the Manufacturer.

Third. — The manufacturer at all times to have the full right and privilege of obtaining through a court of law, damages to cloth caused by incompetency or neglect of Weaver, said damages not to extend beyond the whole of the price paid for weaving said cloth.

Fourth. — A copy of this agreement signed by the Manufacturer, or his or her Agent, and to be signed by such Weaver at the time of his or her hiring by said Corporation. This agreement to hold good during the employment of said Weaver.

An account of the proceedings at the conference was furnished to a committee representing all departments of work except the weavers, who, although invited, did not appear. The committee desired another conference about the ten per cent. reduction; but the Board expressed its opinion that it would be idle to suggest to the

treasurers another conference at that time, but promised to renew its efforts at any time when there should be any encouragement to do so.

Subsequently there was a meeting of the treasurers with representatives of the five textile unions involved, and a reduction of five per cent. was proposed by the latter, but no agreement was reached.

On April 11, the mills were re-opened; day by day the operatives returned, and the controversy ceased to be of importance to the public.

WHITE BROTHERS & CO.—LOWELL.

On or about the 1st of January, the hand-shavers employed by White Brothers & Co., of Lowell, manufacturers of leather, upwards of forty in number, went on a strike against a proposed reduction in the prices paid for shaving skins by hand. Separate interviews were had from time to time by the Board with the employer on the one hand and the employees on the other hand, and the services of the Board were offered. The firm at first thought that there was no occasion for arbitration, and said that they intended to set up machines to do the work in question.

The machines did not in all respects, however, meet the requirements of the firm; and early in March, the former workmen being still unreconciled, a conference was had between the firm and the agents of the workmen, in the presence and at the invitation of this Board.

This meeting resulted in an agreement to refer the matter in controversy to the State Board, the decision to take effect from March

14, 1898, and to continue for one year, the workmen to return at once to work, pending a decision.

On April 18, a decision was rendered, as follows: —

In the matter of the joint application of White Brothers & Co., Leather Manufacturers, of Lowell, and their employees.

PETITION FILED MARCH 16.

HEARING, MARCH 24.

This case arises out of a proposed reduction in the wages of those employees whose work is the shaving of calf skins by hand. The reduction is urged on the ground of competition in the trade, and is opposed on the ground that the prices heretofore paid by White Brothers & Co. for work of this kind have been too low, in comparison with competitors, and in view of the requirements of the firm.

The information obtained outside of the factory in question has been somewhat meagre; but, after a full hearing of the parties, and the usual investigation by expert assistants, the Board sees no sufficient reason for any reduction, nor does the Board recommend any advance. It is accordingly recommended that, whatever may be the method or system of grading, the same wages be paid as before the proposed reduction.

By agreement of the parties, this decision is to take effect from March 14, 1898, and remain in force for one year.

By the Board,

BERNARD F. SUPPLE, *Clerk*.

Result. — The decision was accepted by all concerned.

FAUNCE & SPINNEY — LYNN.

On January 7, the cutters employed by Faunce & Spinney, of Lynn, shoe manufacturers, struck for an increase of wages and because of the discharge of certain workmen. Interviews were sought and obtained by the Board with the parties in dispute, but nothing definite was accomplished in the direction of a settlement.

New workmen and some of the former employees were hired by the firm, and the firm reports that they were "able in the course of about three weeks to secure all the help we needed, and, aside from a good deal of inconvenience, and some small loss, we experienced no harm from the strike."

HENNESSEY SHOE COMPANY—LYNN.

A strike of lasters employed by the Hennessey Shoe Company, of Lynn, occurred on January 18. The next day, however, two-thirds of the workmen returned to work, but the minority kept up the strike, and the union declared the factory a non-union shop. On the following Saturday all the lasters left work, being dissatisfied with the new prices. The company made an offer of settlement, which, after some discussion, resulted in an agreement under which the men returned to work on the 25th.

GEORGE C. DAVIS COMPANY—LYNN.

On or about January 7, a dispute arose between the George C. Davis Company, of Lynn, shoe manufacturers, and the cutters in its employ, which resulted in the discharge of a number of workmen, for the reason, as alleged, that they would not do the work as the company wished to have it done.

Interviews were had between the representatives of the company and the agent of the union, and the Board opened communication with both parties, with a view to assisting in a settlement, and the local board of trade exerted itself with a similar end in view. At length, on or about January 25, it was agreed to leave the matter to the decision of a board of arbitration selected by the parties to the dispute.

One of the arbitrators chosen reported to this Board that after one or more meetings of the arbitrators a time was set for a final determination, but that no formal decision was ever

made, for the reason that before the time fixed the company "accepted the price list presented by the cutters."

The company was, however, far from satisfied with the result, and soon after removed its business to Boston.

J. R. WHIPPLE & CO.—BOSTON.

On January 31, an application was received from J. R. Whipple & Co., proprietors of Young's Hotel, the Parker House and La Touraine, all in Boston, stating: "Until January 1, 1897, we paid our firemen \$35 per month and board for twelve hours' work, seven days in the week, which included time for two meals each day, being relieved by the engineer. Since January 1, 1897, we have paid our firemen \$45 per month and board, for eight hours' work, seven days in the week, which did not include any time for meals; and the firemen's union agreed that all Boston hotels should pay the same wages. We find the other hotels have not paid said wages, and we now offer our firemen \$40 per month and board, for twelve hours' work for six days in the week, which includes time for two meals each day, being relieved by the engineer to get said meals."

The employees interested, joining in the application, stated the case as follows: "The said

Firemen's Protective Union, 6130, American Federation of Labor, has been notified that the said J. Reed Whipple desires to reduce wages and to compel his firemen to work twelve (12) hours per day when they now work but eight (8) hours per day. That owing to the nature of the steam plants of said J. Reed Whipple, the hours proposed are too excessive for the work required and the wages too low. That we desire the Board to appoint an expert to examine the plant and all similar plants in the city of Boston, and to submit a report as to our claim as above in relation to the nature of the plant."

A hearing was given to the parties interested, on February 11. After a full and free discussion, an agreement was reached to the effect that the wages of firemen employed at the three hotels named should be at the rate of \$35 a month for seven days in the week, hours and meals to remain as at present, this agreement to take effect from February 1, 1898, and continue in force for six months thereafter.

J. M. STOVER—LOWELL.

On February 15, nearly all the employees of J. M. Stover, shoe manufacturer, of Lowell, struck against an alleged reduction of wages.

Neither party having communicated with the Board, interviews were had on March 3 with the employer on the one hand and the workmen on the other hand. The employer denied that he had reduced wages, and said that the strike was due to fear and misapprehension; that he had hired new workmen, that none of those so employed would be displaced at the instance of the strikers, and none of the former employees would be reinstated, except upon individual application and satisfying all requirements.

Eight days later, and also on the 24th, both parties were found in the same unyielding mood.

On May 11, the employer said, in answer to the Board's inquiry, that, although not doing so much as formerly, nevertheless he was doing a good business, and that some of the old employees had expressed a desire to return, but that they would not be taken back.

MILK PRODUCERS AND DEALERS—BOSTON, &c.

On March 28, a letter was received from John B. Bowker, secretary of the New England Milk Producers' Union, transmitting a paper signed by the officers of said union and by the president of the New England Dairy Association, agreeing to submit to this Board for decision a question which had arisen between the parties as to the division of the surplus milk and payment therefor.

After full consideration, the Board declined to take cognizance of the case, for the reason that the controversy did not fall within the statutes defining the Board's power and duties; and the agreement was accordingly returned to Mr. Bowker, who thereupon sought the interposition of His Excellency the Governor.

At the instance of the Governor, an interview was had with him and the Assistant Attorney-General, at which the nature of the case was discussed, and the conditions under which the Board might with propriety take cognizance of it, under the agreement of the parties interested.

Thereupon the following correspondence ensued:—

COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT, BOSTON, April 7th, 1898.

JOHN B. BOWKER, Esq.,

Secretary New England Milk Producers' Union, Worcester, Mass.

MY DEAR SIR:—Since our interview of yesterday I have conferred with two members of the State Board of Arbitration and Conciliation regarding your request that the Board shall take cognizance of the differences existing between your Union and the New England Dairy Association.

I am informed that the letter of the Board, dated March 28th, addressed to yourself, in which the Board decline to consider the matter, was influenced in part by an honorable scruple on the part of the chairman of the Board based upon the following facts: that a brother of his is the treasurer of one of the companies interested in the controversy and that he himself has from time to time acted as their counsel in legal matters although not retained as general counsel and not at the present time so employed.

The chairman desires that these facts should be fully stated to your Union and if, upon a careful consideration of them, the two parties to the controversy still desire that the Board of Arbitration and Conciliation shall act in the matter of their differences, the Board is willing to undertake the duty, with the understanding that they sit as a private board, without expense to the Commonwealth, the controversy not being one that falls within the duties of the Board to consider under the statute creating it.

Very truly yours,

ROGER WOLCOTT.

WORCESTER, MASS., April 8th, 1898.

MR. CHAS. H. WALCOTT, *Chairman* } *State Board of Arbitration and
Conciliation, State House, Boston, Mass.*

DEAR SIR:— I am just in receipt of a letter from His Excellency, the Governor, stating that under certain conditions your Honorable Board will undertake to arbitrate the differences now existing between the New England Milk Producers' Union and the New England Dairy Association, the hearing to be without expense to the Commonwealth.

In order that I may place the matter fairly before the Directors of the New England Milk Producers' Union will you kindly give me, if possible, an estimate of the expense of the Board, if any, in connection with this hearing? We, of course, expect to pay all expenses for any witnesses or for the obtaining of any information to be produced at the hearing in favor of our side of the case.

If I have not made my meaning clear I should be pleased to try to explain further upon request.

Yours respectfully,

JOHN B. BOWKER,

Secretary.

COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT, BOSTON, April 11th, 1898.

To the State Board of Arbitration and Conciliation.

GENTLEMEN:— I enclose a letter this morning received from the Secretary of the New England Milk Producers' Union in reply to my note of April 7th notifying them of the conditions under which your Board will undertake to arbitrate the differences now existing between the Union and the New England Dairy Association.

You will observe that the New England Milk Producers' Union desire that your Board shall act in accordance with the conditions stated in my letter, and in compliance with their request I send you the agreement heretofore signed by both parties to the controversy.

Very truly yours,

ROGER WOLCOTT.

[Two enclosures.]

The Governor's letter enclosed the following:—

WORCESTER, MASS., April 9th, 1898.

His Excellency ROGER WOLCOTT,
Governor State of Massachusetts.

DEAR SIR:—Your esteemed favor of April 7th notifying me of the conditions under which the State Board of Arbitration and Conciliation will undertake to arbitrate the differences now existing between the members of the New England Milk Producers' Union and the New England Dairy Association is received and noted, and the New England Milk Producers' Union desire that the State Board of Arbitration and Conciliation act in accordance with the conditions stated in your letter, and would respectfully request that the signed agreement referring the question in dispute between the New England Milk Producers' Union and the New England Dairy Association which was signed by both parties and which you now have, be handed to the State Board of Arbitration and Conciliation and that they set such date for the hearing as may be convenient to them, and notify both parties who signed the agreement as to the time and place of the hearing.

Permit me in behalf of the producers of New England, and especially those of Massachusetts, to thank you for

your great kindness and interest in this matter and assure you of our sincere appreciation of your kindly offices. It is the most earnest wish of every patriotic Massachusetts farmer that the governor's chair may be always occupied by one who is so representative of all that is manly, good, and true.

Yours respectfully,

JOHN B. BOWKER,

Secretary.

The agreement which came thus again into the Board's possession, was as follows :—

MARCH 26th, 1898.

To the Honorable State Board of Arbitration and Conciliation.

We, the Undersigned, representing on the one hand, the New England Milk Producers' Union, and on the other, the Association of milk dealers known as the "New England Dairy Association," do hereby respectfully represent that we have agreed and do hereby agree to submit to your Honorable Body for arbitration and judication, certain questions of difference which have arisen between us as follows :

We, the aforesaid parties have agreed that the price of milk, and the conditions governing the sale of the same in Boston for the six months ending Oct. 1st, 1898, shall be the same as for the six months ending Oct. 1st, 1897, with the exception of the surplus clause.

The New England Milk Producers' Union demands that contractors pay full price for an amount of the surplus equalling 5% of the sales, and the New England Dairy Association offer to carry an amount of the surplus at full price, equal to $2\frac{1}{2}$ % of the sales.

We, the Undersigned, for ourselves and our Associa-

tion, hereby agree to abide by and carry out the decision of your Honorable Board, so far as our authority extends.

For the New England Milk Producers' Union,

O. E. PATCH, *President*.

JOHN B. BOWKER, *Secretary*.

For the New England Dairy Association,

GEO. O. WHITING, *President*.

COMMONWEALTH OF MASSACHUSETTS,
STATE BOARD OF ARBITRATION AND CONCILIATION,
BOSTON, April 11, 1898.

MR. JOHN B. BOWKER, *Secretary*.

DEAR SIR:—Your letter of the 8th instant is received, and after conferring with my associates am prepared to say that if the case shall be heard in Boston, and the parties furnish their own witnesses, we do not foresee any expense except for a stenographer's report of the proceedings, to be written out by a typewriter. The expense of this work would necessarily depend upon the length of the hearing, and might be anywhere from \$40 to \$150.

We have to-day received from His Excellency the Governor the agreement dated March 26th and signed by the Union and the Association together with a letter from you addressed to the Governor, in which you say that your union is desirous of proceeding with the case. We have received no intimation one way or the other from the New England Dairy Association and await their action in the matter. Will you please inform us whether the Association also desires the Board to act under the conditions stated in the letter of the Governor to you?

Yours respectfully,

CHARLES H. WALCOTT,

Chairman.

WORCESTER, MASS., April 12th, 1898.

MR. CHAS. H. WALCOTT, *Chairman State Board of Arbitration and Conciliation, State House, Boston, Mass.*

DEAR SIR:—Your favor of April 11th received and noted, and in reply will say that the members of the New England Milk Producers' Union in accordance with our communication to His Excellency, the Governor, are ready to proceed with the hearing before the Board of Arbitration relative to the dispute between the members of the Union and the Boston Milk Contractors at any time the Board may set for such hearing. In as much as the Milk Contractors, at the time the agreement to submit the matter for arbitration was signed, requested that both parties be notified as to the time when it would be convenient for the Board to give a hearing, I would suggest that the notification to the New England Dairy Association, of which Mr. Geo. O. Whiting is President, that the Board of Arbitration were ready to arbitrate the case in accordance with the communication from His Excellency, the Governor, and the agreement which both parties signed be sent direct from the Board to them.

Yours respectfully,

JOHN B. BOWKER,

Secretary.

COMMONWEALTH OF MASSACHUSETTS,
STATE BOARD OF ARBITRATION AND CONCILIATION,
BOSTON, April 13, 1898.

MR. GEORGE O. WHITING,

President of the New England Dairy Association.

DEAR SIR:—I enclose herewith a copy of the letter of His Excellency, the Governor, dated April 7, 1898, and addressed to John B. Bowker, Secretary. The Board

has received a letter dated April 12 from Mr. Bowker, in which he says that the members of his union are ready to proceed with a hearing upon the agreement between the union and your association dated March 26, 1898, and heretofore filed with the Board; and requests that the Board will communicate with the association. Will you please inform the Board as soon as possible, whether it will be agreeable to the association which you represent that the Board set a time and place for hearing and proceed to act under the terms of the letter of His Excellency, the Governor?

Yours truly,

BERNARD F. SUPPLE,

Clerk.

Boston, April 18, 1898.

BERNARD F. SUPPLE, Esq.,

Clerk State Board of Arbitration and Conciliation, Boston, Mass.

DEAR SIR:—Your letter of the 13th inst. was duly received. As soon as I can get our Association together to consider the matter of leaving the question to the Board of Arbitration, I will inform you.

Respectfully yours,

GEO. O. WHITING.

WORCESTER, MASS., April 21st, 1898.

MR. CHAS. H. WALCOTT, *Chairman State Board of Arbitration and Conciliation, State House, Boston, Mass.*

DEAR SIR:—Having heard nothing from the State Board of Arbitration and Conciliation relative to a date for a hearing on the questions in dispute between the New England Milk Producers' Union and the New England Dairy Association which were referred to your Hon-

orable Board for adjudication, and fearing that a notification of such hearing may have been sent and have been miscarried, and, therefore, failed of reaching the Officers of the New England Milk Producers' Union, I take the liberty of writing to inquire if a date for such hearing has been set.

As early a hearing upon the case as could be secured with convenience to your Honorable Board would, I am sure, be for the best interests of all parties concerned, and if I might be permitted, would suggest that next Tuesday, April 26th be fixed as a date for the hearing, and both parties to the agreement notified to be present at that time, prepared to go on with the hearing or show cause for a further continuance of the same.

I remain, yours respectfully,

JOHN B. BOWKER,

Secretary.

COMMONWEALTH OF MASSACHUSETTS,
STATE BOARD OF ARBITRATION AND CONCILIATION,
BOSTON, April 22, 1898.

MR. JOHN B. BOWKER,

Secretary, New England Milk Producers' Union, Worcester.

DEAR SIR:—Your letter of the 21st instant having been read and considered by the Board, I am directed to say that no date has been set for a hearing in your matter for the reason that the Board has not yet been informed by the New England Dairy Association whether, to use the language of His Excellency, the Governor, they “still desire that the Board of Arbitration and Conciliation shall act in the matter” under the conditions referred to in his letter to you.

A letter was received from Mr. George O. Whiting on the 20th instant, a copy of which together with a copy

of the Board's letter to him, I herewith enclose. As soon as the Board shall hear anything further from the Association, I will inform you.

Yours respectfully,

BERNARD F. SUPPLE,
Clerk.

WORCESTER, MASS., April 29, 1898.

State Board of Arbitration and Conciliation, State House, Boston, Mass.

GENTLEMEN: — I have been employed as the legal adviser of the New England Milk Producers' Union with reference to effecting some arrangement between them and the New England Dairy Association in regard to surplus milk, a matter which has already been laid before your Board.

I understand that the Board is waiting for an answer or an application from the Dairy Association as to whether the Board shall hear and make an award between the parties.

I am in possession of the correspondence between the Governor and my clients and also between your Board and my clients.

As I understand, at first the Board failed to see its way to act in the premises, and afterwards, after some correspondence with the Governor, were willing to act if parties agreed. The parties' agreement was then in writing. I suppose it was authorized, certainly it was so far as I am aware, on the part of the producer.

Under date of the 22nd of April you wrote to Mr. Bowker the Secretary of the Producers' Union inclosing a letter from Mr. Whiting and saying "as soon as the Board shall hear anything further from the Association I will inform you."

I beg to suggest that the matter is in a sense in your hands and inasmuch as Mr. Whiting's letter, saying that he would call the Association together and give the Board an answer, was dated April 18th, it would be very proper for the Board to address another letter to Mr. Whiting asking if he is not ready now to give his answer.

I have seen Mr. Whiting and did not find on his part a desire to comply with the terms of the original agreement and submit to the Board. But it seems to me that we are entitled to an answer through the Board as to whether the Association is willing to allow the Board to proceed or not.

I write this, therefore, to request you to act in the matter and either obtain a consent or a refusal from the New England Dairy Association.

As it is now, the whole matter is merely standing still.

Should we want to apply to the Railroad Commissioners, I should not like to have it appear, or be said, that the matter was still pending before another Board.

My conference with Mr. Whiting was very pleasant, but he did not seem to take the view that I did, which was, that inasmuch as this matter had once been submitted to you, presumably in good faith, and the delay that had occurred was not by reason of any action or neglect on our part, nor as far as I know, on the part of the Dairy Association, it ought to be carried out now in good faith, and if it is already to any extent embarrassed by the lapse of time, the sooner the thing could be settled the better. This is the view I suggest to you.

I am, very respectfully, your obedient servant,

W. S. B. HOPKINS,

For New England Milk Producers' Union.

COMMONWEALTH OF MASSACHUSETTS,
STATE BOARD OF ARBITRATION AND CONCILIATION,
BOSTON, May 2, 1898.

W. S. B. HOPKINS, Esq., *314 Main Street, Worcester.*

DEAR SIR:—Your letter of April 29 was received and has been laid before the Board at its meeting today.

I am directed to inform you that in response to your suggestion a letter has been sent of which the following is a copy:—

BOSTON, May 2, 1898.

GEO. O. WHITING, Esq.,

President, New England Dairy Association.

DEAR SIR:—We are reminded by the Milk Producers' Union that no answer has been received to our letter inquiring by suggestion of the Union whether your Association is willing to proceed with the arbitration.

A definite and early reply will confer a favor on us.

Yours respectfully,

CHARLES H. WALCOTT,
Chairman.

I have, sir, the honor to be, yours respectfully,

BERNARD F. SUPPLE,
Clerk.

COMMONWEALTH OF MASSACHUSETTS,
STATE BOARD OF ARBITRATION AND CONCILIATION,
BOSTON, May 6, 1898.

W. S. B. HOPKINS, Esq., *314 Main Street, Worcester.*

DEAR SIR:—I am directed to inform you that the Board has this day received the following letter:—

BOSTON, May 5, 1898.

CHAS. H. WALCOTT, Esq.,

Chairman State Board of Arbitration, Boston, Mass.

DEAR SIR:—Upon receiving the letter of your Board dated April 18th, in which the Board signified its willingness to arbi-

trate the differences of the Milk Producers' Union and the New England Dairy Association, I wrote Mr. Bowker, the Secretary, that if the Producers' Union still desired to arbitrate, he had better come to Boston and arrange anew with the Contractors, as the situation had somewhat changed. Up to the present time, I have received no answer from him.

Very truly yours,

Dictated. P.

GEO. O. WHITING.

I am, sir, yours respectfully,

BERNARD F. SUPPLE,

Clerk.

WORCESTER, MASS., May 7, 1898.

State Board of Arbitration and Conciliation, State House, Boston, Mass.

GENTLEMEN:—I am in receipt of the copy of the letter written by Mr. George O. Whiting to your Board under date of May 5th, which you kindly forward to me. A glance at it shows that Mr. Whiting is desirous not to answer the question you asked in your letter of May 2nd. I presume you forwarded him a copy of my letter to you.

I had seen Mr. Whiting, as I stated in that letter. He told me exactly what he has written you now, that he asked Mr. Bowker to come down and see the contractors. He expressed himself to me as entertaining a very uncomplimentary opinion of Mr. Bowker, and it was perfectly evident that he did not care to see him. I went there to tell him that the matter was in my hands, and that I was retained, just as I told you.

All I ask of the State Board is to get an answer from the New England Dairy Association as to whether they are willing to go on and arbitrate or not, and if they refuse to give an answer as Mr. Whiting does in his

letter of May 5th, to determine what course the Board of Arbitration will take.

The written agreement to arbitrate is in your hands, I assume. Will the Board go on *ex parte* and hear the Milk Producers' Union on the ground that the contractors neglected to take any ground in relation to the matter and are, as it were, in default, or will the Board refuse to proceed any further on the ground that the contractors will not state whether they are willing to proceed with the arbitration or not? In either case I should like to have the records of your Board show the kind of answers you have received from the contractors, and the reason the arbitration does not proceed. I can then, if I am advised it is best so to do, proceed before the Railroad Commissioners.

I hope you will see from the correspondence so far that what I am desirous to do is to get an answer as to proceeding with the arbitration before your Board from the contractors, and I am not willing to take anything less.

They know Mr. Bowker will not go to see him. They know the matter has been placed in my hands.

I desire to be forbearing and courteous to the extreme limit, but Mr. Whiting's letter, under the circumstances, and after I had addressed mine to you subsequent to a conversation with him, is childish.

Very truly yours,

W. S. B. HOPKINS.

COMMONWEALTH OF MASSACHUSETTS,
STATE BOARD OF ARBITRATION AND CONCILIATION,
BOSTON, May 9, 1898.

GEO. O. WHITING, *President, New England Dairy Association, 386
Tremont Street, Boston.*

DEAR SIR:—Obedient to direction I have the honor
to send you the enclosed, being copies of letters thus far
received from W. S. B. Hopkins, Esq., as follows:—

One dated April 29, 1898, and one dated May 7, 1898.

Yours respectfully,

BERNARD F. SUPPLE,

Clerk.

COMMONWEALTH OF MASSACHUSETTS,
STATE BOARD OF ARBITRATION AND CONCILIATION,
BOSTON, May 9, 1898.

W. S. B. HOPKINS, Esq.

DEAR SIR:—Your letter dated May 7 is received, but
it seems hardly reasonable for any one to expect us “to
get an answer from the New England Dairy Association”
of any more definite character than the President of that
Association chooses to send. We have done as you re-
quested and have sent you the reply received by us.

In view of other statements in your letter, it may be
well to remind you that the case was originally declined
by this Board, for the reason that it did not fall within
the jurisdiction of the Board under the law. This view
has been fully sustained by the Governor and the Attor-
ney General, but after consultation with the Governor
the Board consented to hear the case upon certain con-
ditions which were set forth in the letter of the Governor
to Mr. Bowker.

Up to this time it is evident enough to this Board that
those conditions have not been agreed to by both parties,

and until such agreement shall be arrived at, this Board has no duty in the matter.

We did not send to Mr. Whiting a copy of your letter of April 29, but as you speak of it we have now done so.

Very respectfully yours,

CHARLES H. WALCOTT,
Chairman.

WORCESTER, MASS., May 10, 1898.

*State Board of Arbitration and Conciliation, CHARLES H. WALCOTT,
Chairman, Boston, Mass.*

DEAR SIR:—I have your letter of May 9th and fear that you interpreted my letter of May 7th as a kind of a demand on your Board, which was far from my intention. If you so considered it, I beg pardon for the positive form in which I couched my letter which made it capable of misapprehension.

I thought if the Board wrote Mr. Whiting that his letter of May 5th was not an answer as to whether he was willing to go on with the arbitration or not, it might bring an answer from him.

In my letter under date of April 29th I recognized the fact that the Board had not asserted any jurisdiction, but rather had declined it except upon agreement of the parties, and in my last letter I submitted the proposition whether the Board might not proceed to give a hearing *ex parte*, if the New England Dairy Association did not wish to proceed.

So far as this is concerned, however, your letter gives me the answer from the Board which I wanted, and which is perhaps sufficient for my purpose, namely, that the Board will not go on without agreement and that you understand from the correspondence that the parties have

not agreed to go forward and therefore "your Board has no duty in the matter."

I did think and I do think that Mr. Whiting's last letter to you was a simple dodge on his part, but for that the Board is not responsible and I would not wish you to think for a moment that I had any criticism to make on your action.

I assume now that the Board will take no further action in the matter and will seek no further reply from Mr. Whiting.

I am, very respectfully yours,

W. S. B. HOPKINS.

COMMONWEALTH OF MASSACHUSETTS,
STATE BOARD OF ARBITRATION AND CONCILIATION,
BOSTON, May 11, 1898.

W. S. B. HOPKINS, Esq., *314 Main Street, Worcester, Mass.*

DEAR SIR: — I beg to acknowledge the receipt of your letter of yesterday, which was this day laid before the Board and placed on file.

Yours respectfully,

BERNARD F. SUPPLE,

Clerk.

COMMONWEALTH OF MASSACHUSETTS,
STATE BOARD OF ARBITRATION AND CONCILIATION,
BOSTON, May 23, 1898.

To His Excellency ROGER WOLCOTT,

Governor of the Commonwealth of Massachusetts.

DEAR SIR: — In view of the interest felt by you in the settlement of the differences between the farmers and the milk contractors, we desire to report to you what has been done since the publication of your letter to Mr. John

B. Bowker, dated April 7, 1898. For this purpose and in explanation of the fact that no progress has been made towards a settlement of the question raised, we transmit herewith copies of our correspondence with the parties interested.

If at any time you desire further information, we shall be happy to furnish it, if it shall be in our power to do so.

Very respectfully,

CHARLES H. WALCOTT,

Chairman.

A. J. BATES & CO.—WEBSTER.

The following decision was rendered on April 15, 1898:—

In the matter of the joint application of A. J. Bates & Co., of Webster, and their employees.

PETITION FILED APRIL 6, 1898.

HEARING, APRIL 12, 1898.

The application in this case relates to the wages to be paid for operating on the Consolidated Hand Method Machine. Heretofore one price has been paid the operator for shoes of all qualities and all kinds of leather, with nothing extra for cap toes, or samples. The firm now desires to establish a lower price for operating on unlined bicycle shoes, and the application is confined to this class of shoes.

After hearing the parties, the Board is of the opinion that it would not be just to the workmen, to recommend any reduction on the bicycle shoes, unless at the same time there should be a revision of the wages paid for operating on the shoes of a superior quality. For this and other reasons, the Board recommends that the former price of 20 cents per 24 pairs be paid.

By agreement of the parties this decision is to take effect from April 2, 1898.

By the Board,

BERNARD F. SUPPLE, *Clerk.*

Result.— The decision was accepted by all concerned.

BOSTON ROOFERS—BOSTON AND VICINITY.

On June 14 an application was received which bore the signatures of A. A. Scannell, James A. Haley and George M. Guntner, the last named signing as "Agent of the Building Trades Council of Boston," setting forth a difference with the master roofers of Boston, as follows:—

The difficulty arose from a controversy between the master roofers of Boston and workmen employed by them as roofers, numbering more than two hundred persons. The nature of the controversy is as follows:—

The workmen complain that their nine-hour workday is too long and ought to be reduced to eight hours, without reduction in their pay per day.

The workmen have used every means in their power, both by letters and circulars, and by committees waiting on the master roofers, to get the master roofers to meet the workmen in conference, but have failed.

The Board at once sought and obtained an interview with some of the more prominent of the master roofers, and invited both parties to meet with the Board in conference on the 22d. The meeting was accordingly held, and a dis-

cussion was had of the proposal to reduce the working day to eight hours, without reduction of a day's pay. The conference was adjourned in order to permit some modification of the instructions of the workmen's committee.

On July 15 the conference was resumed on the invitation of this Board. The discussion was resumed, and, objection being raised that the workmen's committee appeared not yet to be in a position to state in simple and definite language the position of the men whom they represented, the conference was ended with the understanding that the workmen's claims should be stated more definitely and plainly, and when that should have been done the Board would notify all parties of another meeting. The employers were not formally organized, but as individuals they undertook to do what they could to secure united action on their side. Both sides agreed to appoint committees, which should be ready to meet when a meeting should seem desirable.

On July 27 the Board was notified that the workmen's committee was ready for another conference, and on August 5 the Board was notified that a committee had been appointed by the master roofers.

Invitations were accordingly issued for a new conference in the presence of the Board, and the matters in dispute were further discussed at a meeting held August 8. At this conference some concession was offered by the employers, which, for want of authority or other reasons, was not accepted by the workmen's committee. There was therefore no result.

On October 23 a written request was received from the representatives of the workmen for another meeting, and a copy transmitted to the master roofers for their consideration.

The employers having expressed a preference to meet the workmen's committee elsewhere than at the rooms of the State Board, this Board urged the committee to meet them at such time and place as the employers might propose; and on December 12 a letter from the employers informed the Board that the master roofers were in direct consultation with the agent of the workmen. The Board has since learned that in these direct negotiations the parties failed to reach any agreement.

HURLEY & CASHMAN—LYNN.

The following decision was rendered on July 25, 1898:—

In the matter of the joint application of Hurley & Cashman, Shoe Manufacturers, of Lynn, and the lasters in their employ.

PETITION FILED JUNE 27, 1898.

HEARING, JULY 1.

The matters complained of by the workmen in this case are as follows:—

They (1) “ask for one cent per pair increase over present prices on all cork inner-sole work,” and (2) for “an agreement that hereafter lasters employed by this firm shall not be required to perform any work except to last shoes in a proper manner, and (3) shall not be required to contribute toward any supplies for the factory, in order to hold their jobs as lasters.”

As to the matter of extra compensation, after due consideration of all the facts presented, the Board recommends that one-half of one cent per pair, extra, be paid for lasting all work with the ground cork and canvas inner-sole lately introduced into the factory.

As to the second grievance stated above, it appears to have been founded upon a request that the lasters should wash windows and do other work of like nature in their immediate vicinity in the factory. In regard to this matter the Board recommends that no cleaning of any part of the building be asked or required of the lasters,

except to sweep and keep as neat as possible, each man his own berth and that part of the floor actually occupied by him.

Under the third grievance alleged, the only act specified was that the janitor in his laudable efforts to establish and maintain good sanitary conditions in the factory had asked the employees to contribute a small sum for the purchase of toilet paper, in order to dispense altogether with the use of anything less suitable or anything calculated to obstruct the pipes. This contribution, so far as appears, was cheerfully given by most of the employees, but being objected to as a matter of principle by the lasters it is made a grievance in this case. The firm gave its assurance at the hearing that it had never been their intention to require the contribution from any unwilling employee and that no one had risked his place by refusing to accede to the request; and that it would not in the future be required of the employees.

This assurance should under ordinary circumstances be accepted as sufficient; but in order to cover the ground a little more fully and explicitly, the Board recommends that this contribution be neither required nor asked of the employees, and then, if the employees see fit to contribute of their own motion to this or any other improvement in the factory which shall be clearly for their benefit, there can be no question that they do it voluntarily.

By agreement of the parties, this decision is to take effect from June 24, 1898.

By the Board,

BERNARD F. SUPPLE, *Clerk*.

Result. — The decision was accepted by all concerned.

GEORGE C. DAVIS COMPANY—BOSTON.

On June 29 the Board received notice in writing that a strike had occurred, June 24, on the part of lasters employed by the George C. Davis Company, of Boston, formerly of Lynn, in opposition to a reduction of wages.

Interviews were had by this Board with the officers of the company and with the lasters. It was thus learned that, by reason of the recent removal of the firm from Lynn to Boston, the business had not been fully established nor the several departments organized on a permanent basis of prices. After receiving assurance of the attitude of the management towards the strikers, the Board recommended to the latter that they consider the advisability of returning to work, in view of the admitted facts, and knowing that after a fair trial of the proposed prices they would have the same right to appeal to the Board, either through mediation or arbitration.

After some further consideration of the situation of affairs, and acting by advice of the Board, the men returned to work.

RICE & HUTCHINS—MARLBOROUGH.

On or about August 13, the employees of Rice & Hutchins in the Middlesex factory, so called, at Marlborough, went on a strike which had its origin in a protest on the part of the stitchers (girls and women) against the continued employment of the forewoman of the stitching room. The alleged grievance was not at first fully countenanced by the Joint Council, and no strike was sanctioned; but the determination of the stitchers that they would work no longer under the person objected to finally prevailed so far as to bring on a general strike in the factory.

Neither employers nor employees invited the interposition of the State Board; and, under the peculiar circumstances of the case, the Board was unable to see how it could advise either of the parties beyond urging the agent of the strikers to lose no opportunity to confer with the employers, for the purpose of ending the controversy.

The factory was closed for a time, and afterwards operations were resumed with such employees as could be obtained.

LUDDY & CURRIER—LYNN.

The cutters employed by Luddy & Currier, of Lynn, shoe manufacturers, struck on August 26. The grievances complained of were that wages had been reduced, and that the workmen were required to pay for damage to stock for which they were not justly blamable.

Both parties having been visited by the Board, it was learned that the firm had anticipated the strike by discharging about one-half of the full number of cutters, and did not regard the difficulty as serious.

LASTERS' STRIKE—BROCKTON AND THE VICINITY.

On September 19 a general strike in the shoe factories of Brockton and the vicinity was begun under the direction of the lasters' union, notwithstanding attempts by this Board to avert the misfortune.

The notice to the manufacturers was as follows:—

BROCKTON, MASS., Sept. 13, 1898.

To the Manufacturers of Brockton.

Realizing the necessity of a uniform price-list for Lasting Shoes, The Lasters of Brockton and adjoining towns after careful consideration present to the Manufacturers the following list of prices, which we believe to be fair and just. We realize that for several years past, prices for lasting on New Goods have been too low, and being desirous of re-adjusting prices in a satisfactory manner, we respectfully submit the enclosed Price-list for your consideration, and we await any action you should wish to take in regard to its acceptance previous to Sept. 19, 1898.

M. CUNNINGHAM,

Sec. Lasters' Union, 39, Brockton.

Box 351.

The professed aim of the strike was to establish a uniform price list already made up by

the unions, and not allowing for difference of conditions or the different grades of goods made in the several factories. Some firms accepted the proposed list; others accepted it with the reservation that it should stand, provided the lasters should be successful in forcing its adoption by other manufacturers; others, after exhausting every reasonable attempt to come to a fair understanding, including an offer of arbitration, declared for free shops, and have since held to the position then taken.

The Board had interviews with some of the leading manufacturers and with the lasters' committee in charge of the strike, and ventured to express an unfavorable opinion of the policy of insisting upon a uniform list for factories which differed materially in conditions and grade of product; but the workmen were determined to adhere to the policy which they had declared. After a trial of endurance between the unions and the manufacturers, continuing through nearly six weeks, the contest was given up by the former, and on October 28 the workmen were authorized by the district committee to return to work.

W. L. DOUGLAS SHOE COMPANY—BROCKTON.

Several weeks before the Brockton strike collapsed the lasters in the Douglas shoe factory returned to work, and manifested a desire to enter again into harmonious relations with their employer. The industry of this factory had for many years been free from serious disturbance, by reason of an agreement, which, however, was now deemed susceptible of improvement. While the general controversy about wages was going on around them, the general officers of the Boot and Shoe Workers' Union were conferring with the officers of the W. L. Douglas Shoe Company with a view to avoiding such difficulties in the future, through a written agreement which should take note of conditions that seemed entitled to more consideration than was accorded to them on either side, at the date of the old agreement. The Board's advice was sought and obtained on October 14, when an explanation of procedure under the state law governing industrial arbitration was sent, for the information of both parties. Though the Board took no further action in the matter

and was not present at any of their meetings, it is deemed proper to insert the result, for the reason that it provides, by a standing agreement, for arbitration as a means of settling differences.

The following is the full text of the agreement which the officers of the union, at the present time, are willing to enter into with any other manufacturer, either with or without the stipulations in relation to the union stamp:—

Agreement entered into this 26th day of October A.D. 1898 by and between the W. L. Douglas Shoe Company, of Brockton, Massachusetts, shoe manufacturer, party of the first part, and the Boot and Shoe Workers' Union, party of the second part, witnesseth:—

First.—The party of the first part agrees that it will employ as boot and shoe workers in its factory in Brockton none but members of the Boot and Shoe Workers' Union in good standing.

Second.—That it will not employ any member of the Boot and Shoe Workers' Union or any other person as a boot and shoe worker who is objectionable to said union, either on account of being in arrears for dues or from any other cause, after receiving notice of the objection by some authorized agent of the Boot and Shoe Workers' Union or local union or unions.

Third.—That it will not hinder or obstruct the collectors of said union working in its factory in the performance of their duties of collecting the dues of the

members of said union due to the respective local unions.

Fourth. — That it will not cause or allow the union stamp, which will be applied to it by the party of the second part, as a part of this agreement, to be placed on any goods not made in a factory for which the use of the union stamp was granted.

Fifth. — That party of the second part or its deputy shall at all times be allowed to visit the factory on business connected with the union stamp.

Sixth. — The party of the second part may present to the party of the first part a bill of prices of the local union or unions which, if it cannot be agreed upon, shall be referred to the State Board of Arbitration in the manner provided in paragraph 12.

Seventh. — The party of the second part agrees to supply to the party of the first part its union stamp, and that in making prices with the party of the first part no additional price shall be made for the use of the stamp, which shall be furnished to the party of the first part free of charge; nor shall any discrimination be made between the party of the first part and other firms, persons or corporations who may enter into an agreement with the party of the second part for the use of the union stamp.

Eighth. — That all reasonable efforts shall be made by the Boot and Shoe Workers' Union to advertise the union stamp in the public press, trade journals, labor unions, labor conventions and otherwise, and to use every exertion to create a demand for the union stamped goods among consumers.

Ninth. — That they will furnish to the party of the first

part when and as often as it may be required, all boot and shoe workers desired by the party of the first part.

Tenth. — That the right of the party of the first part to use the union stamp shall be in no way affected by any action of a local union or unions, or by the fact that one or more local unions has withdrawn from or been dismissed from the Boot and Shoe Workers' Union.

Eleventh. — Both parties agree to adjust in an honest and equitable manner all grievances of whatever nature and all matters of dispute in reference to wages or any other subject, including the true construction of this agreement, that may arise between them, and in case of failure to mutually adjust any dispute or grievance, the party of the first part and the members of the department or departments where such dispute or grievance shall arise, shall join in the manner provided by statute, in an application to the Massachusetts State Board of Arbitration for a decision on the matter or matters in dispute, and the decision of said Board shall be binding upon the party of the first part, the party of the second part, the local unions and employees.

Twelfth. — A general officer of the Boot and Shoe Workers' Union may join with the parties to the application to said Board, and should more than one department be affected by a dispute, the Joint Council to which the local unions, represented in the factory are attached, may also join with the parties to the application. A general officer may act as the authorized agent of the employees in the application in any case, to the State Board.

Thirteenth. — While this agreement remains in force, there shall be no strike declared by any person or persons for any cause, pretext or excuse whatsoever in the factory

of the party of the first part, nor shall the party of the first part for any cause, pretext or excuse whatsoever, cause a lockout against any of its employees. The party of the first part shall suffer no interruption of business during the decision of any dispute or grievance.

Fourteenth. — This agreement shall remain in force for three years from Nov. 1, 1898. Should either party desire to alter, amend or annul this agreement, it shall give a written notice thereof to the other party three months before the expiration of the agreement, and if the parties fail to give such notice, the agreement shall continue in force for another year and so on from year to year until such notice is given.

Fifteenth. — In case the party of the first part violates the terms of this agreement, directly or indirectly (which may be a matter of dispute to be referred to the State Board of Arbitration) the party of the second part shall have the right to demand and receive from the party of the first part the stamp or stamps delivered to it by the party of the second part under this agreement, and to take the stamp or stamps wherever the same may be, without being liable to any claim for damages or otherwise. The party of the first part agrees that it will surrender said union stamp or stamps on the termination of this agreement or upon the decision of the State Board that it has violated its terms, and that it will make no contest against the party of the second part upon the question of the ownership of said stamp or stamps, but the party of the second part shall be treated and recognized as the owner of the same.

Sixteenth. — No person shall have the right to demand or receive the said union stamp from the party of the first part, except the General President of the Boot and Shoe

Workers' Union, or some person duly authorized by him in writing to receive the same, which authorization shall be signed by the General President and bear the seal of the organization as affixed hereto. In case the party of the first part shall be unable for any cause to deliver the said stamp to the party of the second part, or whoever may hold the office of General President of the Boot and Shoe Workers' Union, or to the person properly authorized by him to receive the said stamp, the party of the first part shall be liable to the party of the second part, or to the party who holds the office of General President, in the sum of \$200, to be recovered by the party of the second part, or whosoever may hold the office of the General President of said union, in an action of contract against the party of the first part as liquidated damages.

Seventeenth. — In case the party of the first part shall cease to do business, or shall transfer interest, or any part thereof, to any person, or persons or corporations, this agreement shall be ended, and the stamp shall be returned to the General President. And in the event of a change in the membership of any firm who shall have entered into this agreement, this agreement shall be ended and the union stamp returned to the General President, when a new agreement of similar tenor as this may be entered into.

W. L. Douglas Shoe Company,

By W. L. DOUGLAS,

President.

Boot and Shoe Workers' Union,

JOHN F. TOBIN,

General President.

HORACE M. EATON,

General Secretary-Treasurer.

THEATRICAL STAGE EMPLOYEES—BOSTON.

On October 10, the Board received notice in writing of a controversy which had been going on for more than a month between the managers of the Hollis Street Theatre, Boston Museum, Boston Theatre, Park Theatre, Tremont Theatre, Columbia Theatre and Keith's Theatre, all of Boston.

By interviews with the parties concerned, it was learned by the Board that the members of the Theatrical Stage Employees' Union had ceased to work in the above-named theatres on September 5, excepting those who refused to follow the leadership of the union, preferring to keep their places. New employees had been hired to fill vacancies, and, so far as appeared, the theatres were in operation as usual, the managers asserting that they had suffered no serious inconvenience, and did not desire to effect any settlement with the organization,—preferred to be as they were.

The Board took no further action in the matter.

**IVER JOHNSON'S ARMS AND CYCLE WORKS —
FITCHBURG.**

About the middle of September, a strike against a reduction of wages occurred in the bicycle factory of the Iver Johnson's Arms and Cycle Works, of Fitchburg.

Neither party sought the assistance of the Board, although its services were tendered. In the latter part of October a settlement was reached by agreement of the parties.

A. E. LITTLE & CO.—LYNN.

On October 25, the workmen employed by A. E. Little & Co. as hand-sewers went on a strike for higher wages. About a week later the Board made inquiry, and was informed that alterations were being made in the factory, and that an understanding was likely to come when the factory should be ready to resume the making of hand-sewed shoes.

Subsequently the Board was informed that the matter had been settled by agreement, and the men had resumed work.

SHOE WORKERS' STRIKE — MARLBOROUGH.

On or about November 10, "announcements" were posted in the shoe factories of Marlborough, conducted by the S. H. Howe Shoe Company, Rice & Hutchins and John A. Frye, which, although varying' in some particulars, all asserted the intention of the manufacturers to conduct their business in the future without reference to or recognition of any labor organization or its agents.

The announcement made by the S. H. Howe Shoe Company, which was carefully prepared, was as follows:—

Believing that the success and continuance of our business in Marlboro demand a change, both in price lists and method of agreement, we make the following announcement:—

All price lists and labor agreements now in force in our different factories will terminate on Wednesday, Nov. 23, 1898.

New price lists and agreements, binding for one year, have been prepared and will insure uniform and reasonable wages in every department, (provided outside inter-

ference and limitation are removed, and inside harmony and mutual good will are restored.)

All contracts and agreements will be made by and between our company, and our employees, and all matters of difference must be settled by and between our company and our employees, either singly or in committee.

As managers of the business we claim and shall carefully exercise the right to hire or discharge (for cause) any person or persons whenever in our judgment the interest of the business requires such change.

We do not claim the right to interfere in any way with the individual or social freedom of any person, but we do desire a united and harmonious organization, and shall endeavor to protect by all proper and lawful means all persons who enter our employ.

By this change of method and re-organization we believe we shall recover and be able to hold our place in the front rank of manufacturers, thereby providing steady employment for the greater number.

We are now ready, and shall be glad to confer with any or all of our present employees in relation to future employment.

THE S. H. HOWE SHOE COMPANY,
S. H. HOWE,
President.

MARLBORO, Nov. 10, 1898.

The substantially similar notices, as given out by the manufacturers, were as follows:—

On November 23rd. this factory will close, and all contracts for labor will terminate at that time.

The proprietors of this factory hereby announce to all who desire to contract for the future performance of any labor therein, that after prices, terms and conditions of said labor are mutually agreed to, each shall consent in writing to the following:—

Having agreed to labor in the Cotting Ave. Factory at——until Nov. 23rd 1899, upon certain prices and terms, and with full knowledge of conditions existing in factory, I hereby further agree that I will not, until Nov. 23rd. 1899, either by myself or by joining with others, take any action, secretly or otherwise, with the intent to interfere with the continuous running of the factory; and that I will not recognize any authority which makes requests or gives orders contrary to the letter and spirit of this agreement.

We claim and shall exercise the right to refuse to deal with parties not interested in the factory by employment therein, but will gladly confer with employees either singly or by committees.

We shall exercise the right to hire or discharge for cause any persons, as the interests of the business require, and we shall make no distinction of party, race, or membership in any church, society or organization.

The prices paid and above conditions will continue in force for the succeeding year, unless notice is given by either party previous to October 23rd, 1899.

We trust and believe that all the well-disposed, industrious citizens of Marlboro, who have so long been our valued assistants in establishing and maintaining the industry carried on in the Cotting Ave. Factory, will see the reasonableness of the above conditions.

Applications will be received at this office Nov. 14th,

and the factory will open for business as soon as sufficient number of employees are secured to run to advantage.

RICE & HUTCHINS (Inc.),

By W. B. RICE,

President.

ANNOUNCEMENT.

Believing that the success and continuance of my business in Marlboro demands a change, both in price lists and method of agreement, I make the following announcement:

All price lists and labor agreements now in force in my factory will terminate on Wednesday, Nov. 23, 1898.

New price lists and agreements, binding for one year, have been prepared which will insure uniform and reasonable wages in every department (provided outside interference and limitation are removed and inside harmony and mutual good will are restored).

All contracts and agreements will be made by and between me and my employees, and all matters of difference must be settled by and between me and my employees, either singly or in committee.

As manager of the business I claim and shall carefully exercise the right to hire or discharge (for cause) any person or persons whenever in my judgment the interest of the business requires such a change.

I do not claim the right to interfere in any way with the individual or social freedom of any person, but I do desire a united and harmonious organization and shall endeavor to protect by all lawful and proper means all persons who enter my employ.

By this change of method and re-organization I believe

I shall recover and be able to hold my place in the front rank of Manufacturers, thereby providing steady employment for the greater number.

I am now ready and shall be glad to confer with any or all of my present employees in relation to future employment.

JOHN A. FRYE.

MARLBORO, Nov. 10, 1898.

NOTICE.

All price lists and agreements now in force in this factory will terminate Saturday Nov. 26, 1898.

As managers of the business we claim and shall exercise the right to hire and discharge (for cause) any person or persons whenever in our judgment the interest of the business requires such change.

All contracts and agreements will be made by and between our firm and our employees and all matters of difference must be settled by and between our employees (either singly or in Committee) and our firm.

We *do not* claim the right to interfere in *any way* with the individual or social freedom of any person.

We are now ready and shall be pleased to confer with any or all of our present employees in relation to future employment under the new price lists and agreements.

JOHN O'CONNELL & SONS.

The notices were promptly replied to by the organized shoe workers in a circular which was sent to many centres of industry throughout the country. The circular was as follows:—

IRON-CLAD NOTICES, POSTED IN THE MARLBORO SHOE
FACTORIES, Nov. 10, 1898.

Because of the unwise and arbitrary method of interference with the conduct of this business heretofore pursued by the accredited agents of labor organizations, which have caused financial losses both to employer and employed, making it unsafe for those who manage the business and are responsible financially for its success to make contracts for materials, labor or for the certain delivery of the product — Shoes, the proprietors of this factory hereby announce to all who desire to contract for the future performance of any labor therein, that after prices, terms, and conditions of said labor are mutually agreed to, each shall consent in writing to the following :

Having agreed to labor in Middlesex Factory at until Nov. 19th, 1899, upon certain prices and terms, and with full knowledge of conditions existing in factory, I hereby further agree that *I will not until Nov. 19, 1899, either by myself or by joining with others, take any action, secretly or otherwise, with the intent to interfere with the continuous running of the factory; and that I will not recognize any authority which makes requests or gives orders contrary to the letter and spirit of this agreement.*

We claim and shall exercise the right to refuse to deal with parties not interested in the factory, by employment therein, but will gladly *confer* with employees either singly or by committee.

We shall exercise the right to *hire or discharge* for cause any persons, as the interests of the business require, and we shall make no distinction of party, race, or membership in any church, society or organization.

We trust and believe that all of the well disposed, industrious citizens of Marlboro, who have so long been our valued assistants in establishing and maintaining the industry carried on in Middlesex factory, will see the reasonableness of the above conditions.

Application for position will be received at the office on and after Nov. 10th, and the factory will open for business as soon as a sufficient number of employees are secured to run to advantage.

RICE & HUTCHINS (Inc.)

By W. B. RICE, *Pres.*

Reply of Joint Council No. 8 to the Above.

MARLBORO, MASS., Nov. 10th, 1898.

To the Shoe Manufacturers, Business Men and Public at Large.

In view of the recent attack of the shoe manufacturers of this city upon organized labor, and to the end that our position in the impending controversy shall not be misunderstood, we desire with charity for all and with malice toward none, to submit our side of the case, and ask for it a fair consideration by all who are in any way interested in the matter.

In 1893 Mr. Howe asked for a ten per cent. reduction and stated that unless he got the reduction he asked for, his factories might run one day in the week or they might not run at all. Notwithstanding, his proposition was declined; his three factories run six days per week of ten hours each and Mr. Howe shortly afterward purchased a fourth factory and said at the end of that year it had been the most successful year he had ever had.

In November, 1895, we received from the manufact-

urers a new price list involving a reduction of from five per cent. to forty per cent. After some negotiations the matter was submitted to the State Board of Arbitration and we received a decision reducing our wages, which we accepted.

In 1896, just prior to Labor Day, Mr. Howe called in one of the agents and stated that his relations with the unions had been so pleasant and the condition of his business was so satisfactory that he desired to contribute \$75.00 towards the union labor day celebration.

In April, 1897, Mr. Howe asked for a reduction of ten per cent. To avoid trouble the unions compromised by allowing until May 1st, 1898, a discount of five per cent. on all wages except upon eleven items which were referred to the State Board and their decision gave a still greater reduction, which we accepted. This reduction of wages applied to every factory in the city.

In July, 1897, Mr. Rice made a proposition that he would locate a new factory in this city, providing the unions would agree not to have anything to do with said factory for a period of two years. In deference to the clamor of business men and against our judgment, we conceded even this peculiar request, and directed our agents to sign the agreement, which was done. The request stated their intention to manufacture Misses', Children's and "Little Men's" shoes, mostly spring heels. He having violated this agreement by making goods not contemplated in the request, the agents waited upon him, when Mr. Rice declined to discuss any matter connected with the Klondike factory notwithstanding the question at issue was an alleged violation of the agreement on his part. April 1, 1898, we gave the manufacturers the

customary thirty days' notices that the five per cent. discount on wages expired with the agreement on May 1, 1898, and that all prices would be net after that date. Thirty-six hours previous to the expiration of this thirty days' notice we were given to understand that there would be trouble unless the 5 per cent. discount was continued. Once again we conceded our wages for the benefit of the business interests, and agreed to continue the five per cent. discount indefinitely.

In a few instances, some of the Unions being underpaid as compared with competing towns, asked increase in wages, but none of these just grievances have been pressed, and business men or business interests have suffered no less because of them.

A few weeks ago some of the Lasters contemplating stopping work on the lasting machines in sympathy with the lasters of south eastern Massachusetts but on more mature consideration they decided that such an action would be an inconvenience to our manufacturers and a detriment to our beloved city, and therefore voted to indefinitely postpone the matter.

For many years our Unions have endeavored and have the reputation of having followed an extremely conservative course. There has not been a single instance in years, when we have refused to submit any grievance we had, to the impartial tribunal provided by the statutes of our state. We consider this method of Arbitration to be the sole cause of our city's freedom from the frequent and extremely costly labor wars that have afflicted every other shoe city.

It remains for our most prominent citizen, elected day

before yesterday by our votes, to one of the highest positions in our state, to repudiate one of its longest established institutions, and this at a time when one of Brockton's leading manufacturers, paying the highest wages, has considered it to his business advantage to sign an agreement for three years to arbitrate all disputes and to employ only Union help.

We are *ready* to meet the manufacturers upon the basis of arbitration of all disputes that cannot be mutually adjusted, but we are denied that opportunity.

The notices posted and the agreements required, contemplate that each individual shall surrender his or her individual rights to hold membership in a legitimate organization of their craft, and shall work at prices and under conditions wholly dictated by the employer. In proof of this we submit that prices have today been proposed in Middlesex factory reducing wages from 15 to 40 per cent.

It is stated that this action on the part of the manufacturers, was taken because of arbitrary and unwise actions of the agents.

The agents at all times have acted under instruction, and it is well understood by the shoemakers and manufacturers of this city that 15 to 40 per cent. reductions would have taken place long ago were it not for the organization as represented by the agents, and hence the desire of the manufacturers to prejudice the minds of the members and the public against the agents.

To the business men we desire to say that while we have in the past conceded much in their interest, we have now reached a point where further concession would be

traitorous to every principle we hold dear, and while we would prefer to be on friendly terms with them we shall positively refuse to surrender our inalienable right to belong to and maintain our Unions as in the past.

We fully realize that the ensuing contest will be one in which all business and real estate interest will suffer.

It will probably be many years before this city and its many interests will recover from the blow which some of its *leading citizens* are about to inflict on it. This battle was not of our seeking but is forced upon us, hence we absolve ourselves from all blame.

Conscious of the righteousness of our cause we will oppose the present attempt of the manufacturers to the bitter end, cost the community what it may, as we regard the interests and rights of the workers whose labor has created all values in this city, to be superior to every other consideration which may be involved.

On behalf of the organized Shoeworkers of Marlboro, Mass.

JOINT COUNCIL No. 8,
BOOT AND SHOE WORKERS' UNION.

The employers did not enter into any formal organization, but had a common aim and were actuated by a similar motive, which was two-fold; namely, the establishing of a lower labor cost in the manufacture of shoes, and incidentally, as a means to that end, the elimination of labor organizations from the discussion of wages or the hiring and discharge of workmen. The issue was so comprehensive and the

challenge so boldly made that a struggle was certain to ensue.

The strike at Brockton and recent exhibitions of the union feeling in Marlborough, notably in the case of the Middlesex factory, had also had more or less influence in determining the manufacturers to take the course outlined in the above declarations.

On the 15th most of the factories in which the notices had been posted were deserted by employees. A few days later the notice was posted in the factory of John O'Connell & Sons, and the employees in that factory joined the strike.

At first it was the disposition of the manufacturers to wait until their former employees should see fit to return to work. No specific list of prices was made public by any manufacturer. In fact, there seemed to be a general agreement that the new list or lists should not be made public by them, and they have never been shown to this Board.

On November 28 the Board received notice of the strike from the mayor of Marlborough, and several times, both before that date and afterwards, visited that city and conferred separately with the representatives of the work

people and with the manufacturers, in the hope of effecting some understanding that should enable the operatives to resume their usual occupations, and at the same time secure for the manufacturers any needed reductions in wages and reasonable assurance of fair treatment at all times.

The employers seemed inflexible in their determination to adhere to the policy which they had announced in their posted notices. The employees expressed their willingness to leave the whole matter to the decision of the State Board, and abide by the result, and asserted their readiness to make substantial concessions if necessary for the purpose of effecting a just settlement,—in fact, to do anything short of obliterating their organization. In order to meet any personal objection on the part of the manufacturers, the then representatives of the unions stood ready to withdraw themselves from the proceedings, and permit any future negotiations to be conducted by others who were not personally obnoxious by reason of anything that had occurred in the past.

All attempts at an adjustment were fruitless, and the lines remained drawn as in the beginning until January 21, when an interview was

sought and obtained by the Board with the manufacturers in Boston. As a result of this interview the following correspondence took place:—

BOSTON, MASS., JAN. 23, 1899.

To the State Board of Arbitration and Conciliation.

GENTLEMEN:—Referring to the conversation which took place on Saturday the 21st, when your Board so kindly called on us, and proffered its services in the hope that some adjustment could be reached, of the present unhappy conditions in Marlboro, — we desire to present the following as what we understand to be the propositions discussed and agreed upon :

Provided your Honorable Board can bring about the ending of the strike, and the return to work of as many workmen as can be employed to advantage, under the posted announcement in our various factories, and at the prices now established, we will modify the posted notice, so that the agreement to work for the year may be verbal instead of written. Should any differences arise between employers and employed — not covered by the notices as posted, and the new price-lists — that cannot be settled in Marlboro, they shall be referred for final adjustment to your Honorable Board.

It will be our aim, however, as soon as our factories are again fully running, to encourage the organization of a shop committee, composed entirely of our own employees — to adjust as far as possible new conditions as they arise.

It must be fully understood that all of our factories are partially filled with satisfactory operatives, who will not be discharged to make room for others.

We hope and believe that when once our factories are in full operation under better auspices, we shall be able to sell shoes in such quantities as will enable us to employ the greater number of the skilled workmen in Marlboro.

Yours respectfully,

RICE & HUTCHINS (Inc.),

By W. B. RICE, *Prest.*

S. H. HOWE SHOE CO.,

By S. H. HOWE, *Prest.*

JOHN A. FRYE.

JOHN O'CONNELL & SONS.

COMMONWEALTH OF MASSACHUSETTS,
STATE BOARD OF ARBITRATION AND CONCILIATION,
BOSTON, JANUARY 25, 1899.

*To Rice & Hutchins, Inc. ; S. H. Howe Shoe Company ; John A. Frye
and John O'Connell & Sons.*

GENTLEMEN : — The “ propositions ” contained in your letter to this Board, of the 23d instant, made with a view to “ the ending of the strike ” in Marlborough, were communicated yesterday by this Board in person to the working men and women of Marlborough in the manner deemed by us most suitable to the circumstances and best calculated to ensure a careful consideration of all the features of the present aspect of the controversy.

After a discussion lasting through several hours we have been authorized and requested to report to you the following propositions which, as we understand, state what the working men and women of Marlborough would be willing to agree to “ in order to reach an adjustment : ” —

If all “ posted announcements ” (or iron clads) are removed and all the old employees are reinstated, we agree to resume

employment on the present prices, pending an adjustment of the same by your honorable board, or some other board mutually agreed upon by both parties, said adjudicated prices to date from the time of application for readjustment.

We reaffirm that we stand ready at all times to arbitrate all differences that may arise between us and our employers.

Yours respectfully,

CHARLES H. WALCOTT,

Chairman.

BOSTON, MASS., U. S. A., Jan. 27, 1899.

To the Massachusetts State Board of Arbitration and Conciliation.

GENTLEMEN : — At the time you called on us, Jan. 21st, to offer the services of your Honorable Board in the Marlboro matter, we stated very fully and frankly our position, and assured you that our factories would be run, if run at all, in accordance with those statements. In order that there should be no misunderstanding, we sent you on the 23rd inst. in writing the conditions (copy attached) on which we shall insist in the future conduct of our business.

We understood that you were hopeful of bringing assistance to the shoe workers and shoe manufacturers of Marlboro on those lines. Your communication of the 25th inst. just received, containing a proposition almost the exact opposite of ours, shows how mistaken were your hopes, because of course you understand that we cannot comply with the demand to remove the notices, nor to re-instate any greater number of our old employees than will be required to fill present vacancies.

Firmly believing that we cannot successfully conduct our business except by mutual agreement with our own

employees with the same freedom enjoyed by other New England manufacturers, we again express our purpose of standing by our announcements as communicated to your Honorable Board in our letter of Jan. 23rd.

Yours respectfully,

RICE & HUTCHINS, Inc.,

by W. B. RICE, *Prest.*

The S. H. HOWE SHOE Co.,

by S. H. HOWE, *Prest.*

JOHN A. FRYE.

JOHN O'CONNELL & SONS.

COMMONWEALTH OF MASSACHUSETTS,
STATE BOARD OF ARBITRATION AND CONCILIATION,
• BOSTON, January 30, 1899.

Messrs. BERNARD P. DORSEY and PHILIP J. BYRNE, *Marlborough,
Mass.*

GENTLEMEN:—The position of the work people as represented by you in your letter to this Board dated January 24, 1899, was reported by us to the manufacturers last Wednesday, and on Saturday we received from them a letter saying:

We cannot comply with the demand to remove the notices, nor to re-instate any greater number of our old employees than will be required to fill present vacancies. Firmly believing that we cannot successfully conduct our business except by mutual agreement with our own employees with the same freedom enjoyed by other New England manufacturers, we again express our purpose of standing by our announcements as communicated to your Honorable Board in our letter of January 23rd.

The matter contained in the letter referred to has already been laid before you, and we now transmit the substance of the reply of the manufacturers for the consideration of the shoe workers of Marlborough.

Yours respectfully,

CHARLES H. WALCOTT,

Chairman.

It should be noted that, in order to bring the open controversy to an end, the manufacturers had so far changed their position as to offer to abide by the decision of the State Board, provided the workmen, that is, "as many workmen as can be employed to advantage," would return and accept the new prices (not yet made public).

At the time of writing this report nothing has occurred on either side to invite further attempts by the Board to effect a settlement.

**COMMONWEALTH SHOE AND LEATHER COM-
PANY — WHITMAN.**

Following more or less closely upon the unsuccessful termination of the strike of the lasters of Brockton and the vicinity, elsewhere mentioned in this report, a joint application was received from the Commonwealth Shoe and Leather Company and its lasters at Whitman; and after great deliberation upon all the circumstances of the case, the Board rendered the following decision on January 25: —

*In the matter of the joint application of the Commonwealth Shoe and
Leather Company, of Whitman, and the lasters in its employ.*

PETITION FILED NOVEMBER 21, 1898.

HEARINGS, DECEMBER 2, 14.

This case comes to the Board upon the application of the employer for a reduction in the prices of lasting, and also its desire to fix prices for lasting Goodyear boots on the Chase machine, the last described work now being done by hand.

After hearing the parties concerned, and upon much careful consideration, the Board recommends that the following prices be paid in the company's factory at Whitman: —

LASTING SHOES BY CHASE MACHINE.

GOODYEAR WORK, FIRST GRADE.

Black or colored goods: Calf, Kangaroo, Coltskin, Kangaroo Calf, Russia Calf, Russia Kip, Vici, Titan, Caribou, Box Calf and Cordovan:—

	Per Pair.
Plain toes, flat leather, shellac, canvas or rubber box toes,	\$0.05½
Cap toes, flat leather, shellac, canvas or rubber box toes, .	.06

Extras.

Moulded box, . . . . .	.00½
Samples, . . . . .	.02
Single pairs (5 pairs or less), . . . . .	.01
Enamel, . . . . .	.01
Patent grain, . . . . .	.02
Patent Wallaby, . . . . .	.02
Patent calf, . . . . .	.03
Patent tips, . . . . .	.01
Patent quarters, . . . . .	.01

For leather-lined shoes, and right and left wipers, no extra.

GOODYEAR WORK, SECOND GRADE.

Black or colored goods: Glove Grain, Satin, Buff, Split, Kangaretta, Young Horse, Devon, Monarch, Levant, Indian Dongola, Bright Wallaby, Dongola Kip, Russia Veal, and similar stocks:—

	Per Pair.
Plain toes, flat leather, shellac, canvas or rubber box toes,	\$0.05½
Cap toes, flat leather, shellac, canvas or rubber box toes, .	.05½

Extras.

Extras, the same as for first grade.

FOR ALL MCKAY WORK.

Black or colored goods— all kinds of stock hereinbefore specified:—

	Per Pair.
Plain toes, flat leather, shellac, canvas or rubber box toes,	\$0.04½
Cap toes, flat leather, shellac, canvas or rubber box toes, .	.04½

Extras.

Extras, the same as for Goodyear work.

The above prices are intended to cover the work of pulling lasts and tacking in shanks; but when such pulling and tacking are not done by the laster, a deduction should be made from the prices here recommended of one-quarter of a cent per pair for each part.

In the matter of lasting Goodyear boots on the Chase machine, said work now being done by hand, the Board is unable to make any recommendation, for the reason that we have no actual experience of the new method in this factory, and have not found any other factory in which this kind of work is done on the machine named.

LASTING BOOTS BY HAND.

MCKAY WORK.

Including machine sewed work, standard nailed and pegged work, including pulling lasts and tacking in shanks:—

	Per 12 Pairs.
Men's plain toes,	\$0.55
Boys' plain toes, . . . . .	.53
Men's N. O. box, St. Louis box and Miller box, . . . . .	.80
Boys' N. O. box, St. Louis box and Miller box, . . . . .	.78
Men's hunter boots, plain toes, . . . . .	.55
Men's hunter boots, cap or box, . . . . .	.72

Extras.

Double vamps, per 12 pairs,	\$0.12
Samples, 50 per cent.	

It is agreed by the parties that this decision shall take effect from Nov. 21, 1898.

By the Board,

BERNARD F. SUPPLE, *Clerk.*

Result.—A few days after the decision was made public, the lasters who were parties to the application, through their agents, signified to the

company their refusal to work for the prices recommended in the Board's decision.

An appeal was made by representatives of the lasters' union to His Excellency the Governor, who replied that he did not feel it incumbent upon him to constitute himself a court of appeal from this Board or other of the state boards.

Subsequently the Governor received a letter from the company, and both letters were referred by him to this Board "for its consideration." The correspondence is annexed:—

BOOT AND SHOE WORKERS UNION, LOCAL UNION, No. 69,
WHITMAN, Jan. 30th, 1899.

To His Excellency ROGER Q. WOLCOTT,
Governor of the Commonwealth of Massachusetts.

We the following committee representing the Lasters of Local Union 69 #; of Whitman, Mass. do hereby petition your Excellency to cause to have an investigation made into the evidence, on which the Hon. State Board of Arbitration rendered their decision of the petition submitted by the Lasters and firm of the Commonwealth Shoe & Leather Co. for prices on lasting Boots & Shoe.

We believe that an investigation will prove that the evidence in possession of said Board of Arbitration did not warrant the unfair, unjust and manifestly predudical decision, arrived at by said Board of Arbitration, and we further petition:

That a hearing be given, whereby we can be represented by a committee from our local Union, to-gether

with a committee representing the General Court, or from any August body that your Excellency may appoint, and we therefore request that, you give this your earnest consideration, as it involves the welfare of Shoe Workers, not only in this Commonwealth but the entire country.

Respectfully,

JOHN F. NOLAN, *Chairman,*

DENNIS W. FINN, *Sec.,*

ANDREW T. CLANCY,

GEORGE T. MESSUR,

MELZAR H. CURTIS,

AUGUSTUS E. BOULDY,

Committee of Union 69 # Boot & Shoe Workers Union.

COMMONWEALTH SHOE AND LEATHER COMPANY,
BOSTON, MASS., February 1st, 1899.

To His Excellency ROGER WOLCOTT, *Governor of Massachusetts.*

A petition to your Excellency having been published extensively in the daily papers, signed by a committee of the lasters employed at the factories of this Company in Whitman, requesting you to investigate a decision of the State Board of Arbitration affecting the prices paid for lasting in our factories in Whitman, we would respectfully state that, in our opinion, the award by the State Board was not only as favorable to the workmen as the evidence submitted in the case would warrant, but, as we suppose is usual in such matters, leaned perceptibly to their advantage. The dealing of this Company with its employees has always been on a basis of the utmost fairness, and the Company has in the past few months made considerable sacrifices to avoid a rupture which has several times been threatened by what seemed to us to be the arbitrary action of our employees in this department. We do not recall ever

having seen such a petition as the one handed your Excellency, and of course are not aware what action will be taken in consequence of it. It seems to us, however, that after the very considerable amount of time and trouble taken by both sides in securing evidence to lay before the State Board, and in view of their patient and careful investigation, that the decision which they have rendered should have absolute binding force on both parties to such a controversy. We wish to say, however, that if it seems best to your Excellency that the evidence submitted to the State Board should be reviewed, as requested by the Committee of lasters, this Company would be most willing to cooperate in making such a hearing the fullest and most satisfactory possible, if our workmen do in the meantime show their good faith by recognizing the decision already given, and continue at their work without in any way disturbing the business of the Company until the result of such examination of the evidence as may be ordered, shall have been completed. In this event the Company will bind itself to accept the result of any such review, and will pay the price list recommended after the review of evidence, and will consider any new prices as binding from the date of the original application to the State Board. Of course, if our workmen ignore their plain duty under these circumstances, and pending the decision in the matter, shall leave their work, thereby stopping the production of the factories, we shall feel relieved of any obligation to discuss the matter further and shall protect our interests as the occasion may require.

Yours Very Respectfully,

COMMONWEALTH SHOE & LEATHER CO.,

CHAS. H. JONES, *Pres.*

C. D. REED, *Treas.*

COMMONWEALTH OF MASSACHUSETTS,
STATE BOARD OF ARBITRATION AND CONCILIATION,
BOSTON, February 6, 1899.

HIS EXCELLENCY ROGER WOLCOTT, *Governor*.

SIR: — We have this day received two letters addressed to you: one dated January 30, 1899, and signed by John F. Nolan and others, and another dated February 1, 1899, and signed by the Commonwealth Shoe and Leather Company, of Whitman — both communications having been referred by your Excellency to this Board for its consideration. We have caused copies of the letters to be made, and herewith return the originals for your files, having given the matter such consideration as seems proper, in view of the fact that we have received no communication addressed by either party to this Board since the decision was rendered, on January 25.

Very respectfully,

CHARLES H. WALCOTT,
Chairman.

The company insisted that the result of the arbitration should be accepted in good faith by all concerned. Subsequently, the following notice was posted in the factory: —

WHITMAN, Feb. 15, 1899.

To the Commonwealth Shoe and Leather Company.

You are hereby notified that the prices as recommended by the State Board of Arbitration shall not be binding after the expiration of 60 days from date.

ANDREW J. CLANCY,
Secretary Lasters' Union 69.

Witness, D. W. FINN.

The foregoing notice appears to have been given in accordance with St. 1887, c. 269, § 6, and was such a notice as either party to the case might properly give. The operatives at the same time returned to work, and the business of manufacturing boots and shoes was resumed in all departments of the factory under the State Board's prices.

At the same time the manager announced that the workmen would not be required to refund or otherwise account for the surplus of earnings paid to them pending the decision, and in excess of the prices recommended by the Board; and a satisfactory settlement was agreed upon, to take effect at the expiration of the sixty days, and to continue until December 1, 1899, "based on State Board prices as recommended, and varying only in a few minor points."

BAILEY, CURTIS & CO.—LYNN.

On January 7, 1899, the following decision was rendered:—

In the matter of the application of Bailey, Curtis & Co., of Lynn, and their Employees in the Stitching Department.

PETITION FILED NOVEMBER 23, 1898.

HEARING, DECEMBER 5, 1898.

This case arises upon the application of the firm for a reduced price list for stitching. This factory employs fourteen stitchers only, and about thirty-five men and women in all departments.

The returns of wages paid in other factories for similar work are not so complete as were desired, but it is clear that the earnings of the stitchers in this factory are very moderate, and the conditions under which the work is done are not favorable to the earning of larger wages by the stitchers.

In view of all the evidence obtained and of the peculiar circumstances of the particular case, the Board is unable to see good reason for any reduction and therefore recommends the payment of the same prices as heretofore paid.

By the Board,

BERNARD F. SUPPLE, *Clerk.*

Result.—The decision was accepted by all concerned.

The foregoing annual report is respectfully submitted.

CHARLES H. WALCOTT,
RICHARD P. BARRY,
CHARLES DANA PALMER,
State Board of Arbitration and Conciliation.

Boston, February 24, 1899.

APPENDIX.

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In 1886 Massachusetts and New York established state boards of arbitration.

A statute of the United States, enacted in 1888, provided for the settlement of controversies between railroads and their employees through the services of special temporary tribunals known as "boards of arbitration or commission." To form a board of arbitration each party in interest chose a member, and the two members chose a third for chairman; but when the commission was formed the President of the United States appointed two members to act with the Commissioner of Labor who was chairman *ex officio*. Such a commission in 1894, reporting on the Chicago Strike, recommended changes in the law, and suggested to the states "the adoption of some system of conciliation and arbitration like that in use in the Commonwealth of Massachusetts." In 1898 the law was repealed, its essential provisions were re-enacted and procedure was specified with greater elaboration. The statute of 1898 requires the Chairman of the Interstate Commerce Commission and the Commissioner of Labor to mediate in one way or another between the parties with a view to inducing them either to terminate their controversy by agreement or to refer it to the board of arbitration. The board of arbitration, as under the former act, is constituted in the usual way; but when five days elapse without choice of a third member, the duty of making such a choice devolves upon the two mediators above mentioned.

Twenty-four states in the union have thus far made constitutional or statutory provision for mediation of one kind or another in the settlement of industrial disputes. Of these the statutes of the following sixteen contemplate the administration of conciliation and arbitration laws through permanent state boards: Massachusetts, New York, Montana, Michigan, California, New Jersey, Ohio, Louisiana, Wisconsin, Minnesota, Connecticut, Illinois, Utah, Indiana, Idaho and Colorado.

The constitution of Wyoming directs the legislature to establish courts of arbitration to determine all differences between associations of laborers and their employers, and provides for appeals to the supreme court of the state from the decisions of compulsory boards of arbitration.

The laws of Kansas, Iowa, Pennsylvania and Texas authorize the law courts to appoint tribunals of voluntary arbitration; and such is the law of Maryland also, which, moreover, empowers the Board of Public Works to investigate industrial controversies when the employer is a corporation, indebted to, or incorporated by, that state; to propose arbitration to the opposing parties, and if the proposition is accepted, to provide in due form for referring the case; but if either party refuse to submit to arbitration, it becomes the duty of the Board of Public Works to ascertain the cause of the controversy and report the same to the next legislature.

The law of Missouri authorizes the Commissioner of Labor Statistics to form local boards of arbitration, and, as in North Dakota, to mediate between employer and employed, if requested to do so by either, whenever a difference exists which results or threatens to result in a strike or lockout. In Nebraska it is the duty of such officer to examine into the causes of strikes and lockouts.

Following are the laws, etc., relating to mediation in industrial controversies:—

UNITED STATES.

[Public Laws, 1898.]

Chap. 870.—An Act Concerning carriers engaged in interstate commerce and their employees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of this Act shall apply to any common carrier or carriers and their officers, agents, and employees, except masters of vessels and seamen, as defined in section forty-six hundred and twelve, Revised Statutes of the United States, engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water, for a continuous carriage or shipment, from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States.

The term "railroad" as used in this Act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "transportation" shall include all instrumentalities of shipment or carriage.

The term "employees" as used in this Act shall include all persons actually engaged in any capacity in train operation or train service of any description, and notwithstanding that the cars upon or in which they are employed may be held and operated by the carrier under lease or other contract: *Provided, however,* That this Act shall not be held to apply to employees of street railroads and shall apply only to employees engaged in railroad train service. In every such case the carrier shall be responsible for the acts and defaults of such employees in the same manner and to the same extent as if said cars were owned by it and said employees directly employed by it, and any provisions to the contrary of any such lease or other contract shall be binding only as between the parties thereto and shall not affect the obligations of said carrier either to the public or to the private parties concerned.

SEC. 2. Whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between a car-

SEC. 4. The award being filed in the clerk's office of a circuit court of the United States, as hereinbefore provided, shall go into practical operation, and judgment shall be entered thereon accordingly at the expiration of ten days from such filing, unless within such ten days either party shall file exceptions thereto for matter of law apparent upon the record, in which case said award shall go into practical operation and judgment be entered accordingly when such exceptions shall have been finally disposed of either by said circuit court or on appeal therefrom.

At the expiration of ten days from the decision of the circuit court upon exceptions taken to said award, as aforesaid, judgment shall be entered in accordance with said decision unless during said ten days either party shall appeal therefrom to the circuit court of appeals. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said exceptions and to be decided.

The determination of said circuit court of appeals upon said questions shall be final, and being certified by the clerk thereof to said circuit court, judgment pursuant thereto shall thereupon be entered by said circuit court.

If exceptions to an award are finally sustained, judgment shall be entered setting aside the award. But in such case the parties may agree upon a judgment to be entered disposing of the subject-matter of the controversy, which judgment when entered shall have the same force and effect as judgment entered upon an award.

SEC. 5. For the purposes of this Act the arbitrators herein provided for, or either of them, shall have power to administer oaths and affirmations, sign subpoenas, require the attendance and testimony of witnesses, and the production of such books, papers, contracts, agreements, and documents material to a just determination of the matters under investigation as may be ordered by the court; and may invoke the aid of the United States courts to compel witnesses to attend and testify and to produce such books, papers, contracts, agreements and documents to the same extent and under the same conditions and penalties as is provided for in the Act to regulate commerce, approved February fourth, eighteen hundred and eighty-seven, and the amendments thereto.

SEC. 6. Every agreement of arbitration under this act shall be acknowledged by the parties before a notary public or clerk

First. That the board of arbitration shall commence their hearings within ten days from the date of the appointment of the third arbitrator, and shall find and file their award, as provided in this section, within thirty days from the date of the appointment of the third arbitrator; and that pending the arbitration the status existing immediately prior to the dispute shall not be changed: *Provided*, That no employee shall be compelled to render personal service without his consent.

Second. That the award and the papers and proceedings, including the testimony relating thereto certified under the hands of the arbitrators and which shall have the force and effect of a bill of exceptions, shall be filed in the clerk's office of the circuit court of the United States for the district wherein the controversy arises or the arbitration is entered into, and shall be final and conclusive upon both parties, unless set aside for error of law apparent on the record.

Third. That the respective parties to the award will each faithfully execute the same, and that the same may be specifically enforced in equity so far as the powers of a court of equity permit: *Provided*, That no injunction or other legal process shall be issued which shall compel the performance by any laborer against his will of a contract for personal labor or service.

Fourth. That employees dissatisfied with the award shall not by reason of such dissatisfaction quit the service of the employer before the expiration of three months from and after the making of such award without giving thirty days' notice in writing of their intention so to quit. Nor shall the employer dissatisfied with such award dismiss any employee or employees on account of such dissatisfaction before the expiration of three months from and after the making of such award without giving thirty days' notice in writing of his intention so to discharge.

Fifth. That said award shall continue in force as between the parties thereto for the period of one year after the same shall go into practical operation, and no new arbitration upon the same subject between the same employer and the same class of employees shall be had until the expiration of said one year if the award is not set aside as provided in section four. That as to individual employees not belonging to the labor organization or organizations which shall enter into the arbitration, the said arbitration and the award made therein shall not be binding, unless the said individual employees shall give assent in writing to become parties to said arbitration.

SEC. 4. The award being filed in the clerk's office of a circuit court of the United States, as hereinbefore provided, shall go into practical operation, and judgment shall be entered thereon accordingly at the expiration of ten days from such filing, unless within such ten days either party shall file exceptions thereto for matter of law apparent upon the record, in which case said award shall go into practical operation and judgment be entered accordingly when such exceptions shall have been finally disposed of either by said circuit court or on appeal therefrom.

At the expiration of ten days from the decision of the circuit court upon exceptions taken to said award, as aforesaid, judgment shall be entered in accordance with said decision unless during said ten days either party shall appeal therefrom to the circuit court of appeals. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said exceptions and to be decided.

The determination of said circuit court of appeals upon said questions shall be final, and being certified by the clerk thereof to said circuit court, judgment pursuant thereto shall thereupon be entered by said circuit court.

If exceptions to an award are finally sustained, judgment shall be entered setting aside the award. But in such case the parties may agree upon a judgment to be entered disposing of the subject-matter of the controversy, which judgment when entered shall have the same force and effect as judgment entered upon an award.

SEC. 5. For the purposes of this Act the arbitrators herein provided for, or either of them, shall have power to administer oaths and affirmations, sign subpoenas, require the attendance and testimony of witnesses, and the production of such books, papers, contracts, agreements, and documents material to a just determination of the matters under investigation as may be ordered by the court; and may invoke the aid of the United States courts to compel witnesses to attend and testify and to produce such books, papers, contracts, agreements and documents to the same extent and under the same conditions and penalties as is provided for in the Act to regulate commerce, approved February fourth, eighteen hundred and eighty-seven, and the amendments thereto.

SEC. 6. Every agreement of arbitration under this act shall be acknowledged by the parties before a notary public or clerk

of a district or circuit court of the United States, and when so acknowledged a copy of the same shall be transmitted to the chairman of the Interstate Commerce Commission, who shall file the same in the office of said commission.

Any agreement of arbitration which shall be entered into conforming to this Act, except that it shall be executed by employees individually instead of by a labor organization as their representative, shall, when duly acknowledged as herein provided, be transmitted to the chairman of the Interstate Commerce Commission, who shall cause a notice in writing to be served upon the arbitrators, fixing a time and place for a meeting of said board, which shall be within fifteen days from the execution of said agreement of arbitration: *Provided, however,* That the said chairman of the Interstate Commerce Commission shall decline to call a meeting of arbitrators under such agreement unless it be shown to his satisfaction that the employees signing the submission represent or include a majority of all employees in the service of the same employer and of the same grade and class, and that an award pursuant to said submission can justly be regarded as binding upon all such employees.

SEC. 7. During the pendency of arbitration under this Act it shall not be lawful for the employer, party to such arbitration, to discharge the employees, parties thereto, except for inefficiency, violation of law, or neglect of duty; nor for the organization representing such employees to order, nor for the employees to unite in, aid, or abet, strikes against said employer; nor, during a period of three months after an award under such an arbitration, for such employer to discharge any such employees, except for the causes aforesaid, without giving thirty days' written notice of an intent so to discharge; nor for any of such employees, during a like period, to quit the service of said employer without just cause, without giving to said employer thirty days' written notice of an intent so to do; nor for such organization representing such employees to order, counsel, or advise otherwise. Any violation of this section shall subject the offending party to liability for damages: *Provided,* That nothing herein contained shall be construed to prevent any employer, party to such arbitration, from reducing the number of its or his employees whenever in its or his judgment business necessities require such reduction.

SEC. 8. In every incorporation under the provisions of chapter five hundred and sixty-seven of the United States Statutes

of eighteen hundred and eighty-five and eighteen hundred and eighty-six it must be provided in the articles of incorporation and in the constitution, rules, and by-laws that a member shall cease to be such by participating in or by instigating force or violence against persons or property during strikes, lockouts, or boycotts, or by seeking to prevent others from working through violence, threats, or intimidations. Members of such incorporations shall not be personally liable for the acts, debts, or obligations of the corporations, nor shall such corporations be liable for the acts of members or others in violation of law; and such corporations may appear by designated representatives before the board created by this Act, or in any suits or proceedings for or against such corporations or their members in any of the Federal courts.

SEC. 9. Whenever receivers appointed by Federal courts are in the possession and control of railroads, the employees upon such railroads shall have the right to be heard in such courts upon all questions affecting the terms and conditions of their employment, through the officers and representatives of their associations, whether incorporated or unincorporated, and no reduction of wages shall be made by such receivers without the authority of the court therefor upon notice to such employees, said notice to be not less than twenty days before the hearing upon the receivers' petition or application, and to be posted upon all customary bulletin boards along or upon the railway operated by such receiver or receivers.

SEC. 10. Any employer subject to the provisions of this Act and any officer, agent, or receiver of such employer who shall require any employee, or any person seeking employment, as a condition of such employment, to enter into an agreement, either written or verbal, not to become or remain a member of any labor corporation, association, or organization; or shall threaten any employee with loss of employment, or shall unjustly discriminate against any employee because of his membership in such a labor corporation, association, or organization; or who shall require any employee or any person seeking employment, as a condition of such employment, to enter into a contract whereby such employee or applicant for employment shall agree to contribute to any fund for charitable, social, or beneficial purposes; to release such employer from legal liability for any personal injury by reason of any benefit received from such fund beyond the proportion of the benefit

arising from the employer's contribution to such fund ; or who shall, after having discharged an employee, attempt or conspire to prevent such employee from obtaining employment, or who shall, after the quitting of an employee, attempt or conspire to prevent such employee from obtaining employment, is hereby declared to be guilty of a misdemeanor, and, upon conviction thereof in any court of the United States of competent jurisdiction in the district in which such offense was committed, shall be punished for each offense by a fine of not less than one hundred dollars and not more than one thousand dollars.

SEC. 11. Each member of said board of arbitration shall receive a compensation of ten dollars per day for the time he is actually employed, and his traveling and other necessary expenses ; and a sum of money sufficient to pay the same, together with the traveling and other necessary and proper expenses of any conciliation or arbitration had hereunder, not to exceed ten thousand dollars in any one year, to be approved by the chairman of the Interstate Commerce Commission and audited by the proper accounting officers of the Treasury, is hereby appropriated for the fiscal years ending June thirtieth, eighteen hundred and ninety-eight, and June thirtieth, eighteen hundred and ninety-nine, out of any money in the Treasury not otherwise appropriated.

SEC. 12. The Act to create boards of arbitration or commission for settling controversies and differences between railroad corporations and other common carriers engaged in interstate or territorial transportation of property or persons and their employees, approved October first, eighteen hundred and eighty-eight, is hereby repealed.

Approved, June 1, 1898.

MASSACHUSETTS.

The law of the state concerning arbitration is as follows, being chapter 263 of the Acts of 1886, approved June 2, entitled, "An Act to provide for a State Board of Arbitration, for the settlement of differences between employers and their employees," as amended by St. 1887, chapter 269 ; St. 1888, chapter 261 ; and St. 1890, chapter 385 ; also St. 1892, chapter 382.

SECTION 1. The governor, with the advice and consent of the council, shall, on or before the first day of July in the year eighteen hundred and eighty-six, appoint three competent persons to serve as a state board of arbitration and conciliation in the manner hereinafter provided. One of them shall be an employer or selected from some association representing employers of labor, one of them shall be selected from some labor organization and not an employer of labor, the third shall be appointed upon the recommendation of the other two : *provided, however,* that if the two appointed do not agree on the third man at the expiration of thirty days, he shall then be appointed by the governor. They shall hold office for one year or until their successors are appointed. On the first day of July in the year eighteen hundred and eighty-seven the governor, with the advice and consent of the council, shall appoint three members of said board in the manner above provided, one to serve for three years, one for two years and one for one year, or until their respective successors are appointed ; and on the first day of July in each year thereafter the governor shall in the same manner appoint one member of said board to succeed the member whose term then expires, and to serve for the term of three years or until his successor is appointed. If a vacancy occurs at any time, the governor shall in the same manner appoint some one to serve out the unexpired term ; and he may in like manner remove any member of said board. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge thereof. They shall at once organize by the choice of one of their number as chairman. Said board may appoint and remove a clerk of the board, who shall receive such salary as may be allowed by the board, but not exceeding twelve hundred dollars a year.

SECT. 2. The board shall, as soon as possible after its organization, establish such rules of procedure as shall be approved by the governor and council.

SECT. 3. Whenever any controversy or difference not involving questions which may be the subject of a suit at law or bill in equity, exists between an employer, whether an individual, copartnership or corporation, and his employees, if at the time he employs not less than twenty-five persons in the same general line of business in any city or town in this Commonwealth, the board shall, upon application as hereinafter pro-

vided, and as soon as practicable thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the said board shall cause a copy thereof to be filed with the clerk of the city or town where said business is carried on.

SECT. 4. Said application shall be signed by said employer or by a majority of his employees in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work without any lock-out or strike until the decision of said board, if it shall be made within three weeks of the date of filing said application. When an application is signed by an agent claiming to represent a majority of such employees, the board shall satisfy itself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving such authority shall be kept secret by said board. As soon as may be after the receipt of said application the secretary of said board shall cause public notice to be given of the time and place for the hearing thereon; but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order; and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request.

When notice has been given as aforesaid, each of the parties to the controversy, the employer on the one side, and the employees interested on the other side, may in writing nominate, and the board may appoint, one person to act in the case as expert assistant to the board. The two persons so appointed shall be skilled in and conversant with the business or trade concerning which the dispute has arisen. It shall be their duty, under the direction of the board, to obtain and report to the

board information concerning the wages paid and the methods and grades of work prevailing in manufacturing establishments within the Commonwealth of a character similar to that in which the matters in dispute have arisen. Said expert assistants shall be sworn to the faithful discharge of their duty; such oath to be administered by any member of the board, and a record thereof shall be preserved with the record of the proceedings in the case. They shall be entitled to receive from the treasury of the Commonwealth such compensation as shall be allowed and certified by the board, together with all necessary travelling expenses.* Nothing in this act shall be construed to prevent the board from appointing such other additional expert assistant or assistants as it may deem necessary. Should the petitioner or petitioners fail to perform the promise made in said application, the board shall proceed no further thereupon without the written consent of the adverse party. The board shall have power to summon as witness any operative in the departments of business affected and any person who keeps the records of wages earned in those departments, and to examine them under oath, and to require the production of books containing the record of wages paid. Summonses may be signed and oaths administered by any member of the board.

SECT. 5. Upon the receipt of such application and after such notice, the board shall proceed as before provided, and render a written decision, which shall be open to public inspection, shall be recorded upon the records of the board, and published at the discretion of the same in an annual report to be made to the general court on or before the first day of February in each year.

SECT. 6. Said decision shall be binding upon the parties who join in said application for six months, or until either party has given the other notice in writing of his intention not to be bound by the same at the expiration of sixty days therefrom. Said notice may be given to said employees by posting the same in three conspicuous places in the shop or factory where they work.

SECT. 7. The parties to any controversy or difference as described in section three of this act may submit the matters in dispute, in writing, to a local board of arbitration and concilia-

* See further as to experts, their duties and compensation, St. 1892, c. 382, *post*.

tion; such board may either be mutually agreed upon, or the employer may designate one of the arbitrators, the employees or their duly authorized agent another, and the two arbitrators so designated may choose a third, who shall be chairman of the board. Such board shall, in respect to the matters referred to it, have and exercise all the powers which the state board might have and exercise, and its decision shall have whatever binding effect may be agreed by the parties to the controversy in the written submission. The jurisdiction of such board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the state board. The decision of such board shall be rendered within ten days of the close of any hearing held by it; such decision shall at once be filed with the clerk of the city or town in which the controversy or difference arose, and a copy thereof shall be forwarded to the state board. Each of such arbitrators shall be entitled to receive from the treasury of the city or town in which the controversy or difference that is the subject of the arbitration exists, if such payment is approved in writing by the mayor of such city or the board of selectmen of such town, the sum of three dollars for each day of actual service, not exceeding ten days for any one arbitration. Whenever it is made to appear to the mayor of a city or the board of selectmen of a town that a strike or lock-out such as described in section eight of this act is seriously threatened or actually occurs, the mayor of such city or the board of selectmen of such town shall at once notify the state board of the facts.

SECT. 8. Whenever it shall come to the knowledge of the state board, either by notice from the mayor of a city or the board of selectmen of a town, as provided in the preceding section or otherwise, that a strike or lock-out is seriously threatened or has actually occurred in any city or town of the Commonwealth, involving an employer and his present or past employees, if at the time he is employing, or up to the occurrence of the strike or lock-out was employing, not less than twenty-five persons in the same general line of business in any city or town in the Commonwealth, it shall be the duty of the state board to put itself in communication as soon as may be with such employer and employees, and endeavor by mediation to effect an amicable settlement between them, or to endeavor to persuade them, provided that a strike or lock-out has not

actually occurred or is not then continuing, to submit the matters in dispute to a local board of arbitration and conciliation, as above provided, or to the state board; and said state board may, if it deems it advisable, investigate the cause or causes of such controversy, and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes, and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given it by section three of this act.

SECT. 9. Witnesses summoned by the state board shall be allowed the sum of fifty cents for each attendance, and the further sum of twenty-five cents for each hour of attendance in excess of two hours, and shall be allowed five cents a mile for travel each way from their respective places of employment or business to the place where the board is in session. Each witness shall certify in writing the amount of his travel and attendance, and the amount due him shall be paid forthwith by the board, and for such purpose the board shall be entitled to draw from the treasury of the Commonwealth, as provided for in chapter one hundred and seventy-nine of the acts of the year eighteen hundred and eighty-four.

SECT. 10. The members of said state board shall until the first day of July in the year eighteen hundred and eighty-seven be paid five dollars a day each for each day of actual service; and on and after said date they shall each receive a salary at the rate of two thousand dollars a year, to be paid out of the treasury of the Commonwealth; and both before and after said date they shall be allowed their necessary travelling and other expenses, which shall be paid out of the treasury of the Commonwealth.

[ST. 1892, CHAPTER 382.]

An Act relating to the duties and compensation of expert assistants appointed by the state board of arbitration and conciliation.

Be it enacted, etc., as follows:

SECTION 1. In all controversies between an employer and his employees in which application is made to the state board of arbitration and conciliation, as provided by section four of chapter two hundred and sixty-three of the acts of the year eighteen

hundred and eighty-six as amended by section three of chapter two hundred and sixty-nine of the acts of the year eighteen hundred and eighty-seven, and by section one of chapter three hundred and eighty-five of the acts of the year eighteen hundred and ninety, said board shall appoint a fit person to act in the case as expert assistant to the board. Said expert assistants shall attend the sessions of said board when required, and no conclusion shall be announced as a decision of said board, in any case where such assistants have acted, until after notice given to them, by mail or otherwise, appointing a time and place for a final conference between said board and expert assistant on the matters included in the proposed decision. Said expert assistants shall be privileged to submit to the board, at any time before a final decision shall be determined upon and published, any facts, advice, arguments or suggestions which they may deem applicable to the case. They shall be sworn to the faithful discharge of their duties by any member of said board, and a record thereof shall be preserved with the record of the proceedings in the case. They shall be entitled to receive for their services from the treasury of the Commonwealth the sum of seven dollars for each day of actual service, together with all their necessary travelling expenses.

SECT. 2. This act shall take effect upon its passage. [*Approved June 15, 1892.*]

NEW YORK.

The state board established in 1886 now acts under the Labor Law of 1897, a revision and consolidation of previous enactments.

[CHAPTER 415.]

An Act in relation to labor, constituting chapter thirty-two of the general laws. [*Became a law May 13, 1897, with the approval of the Governor. Passed, a majority being present.*]

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

CHAPTER XXXII. OF THE GENERAL LAWS.

THE LABOR LAW.

- Article I. General provisions (§§ 1-20).
- II. Commissioner of labor statistics (§§ 30-32).
- III. Public employment bureau (§§ 40-44).

Article IV. Convict-made goods and duties of commissioner of labor statistics relative thereto (§§ 50-54).

V. Factory inspector, assistant and deputies (§§ 60-70).

VI. Factories (§§ 70-91).

VII. Tenement-made articles (§§ 100-104).

VIII. Bakery and confectionery establishments (§§ 110-115).

IX. Mines and their inspection (§§ 120-129).

X. State board of mediation and arbitration (§§ 140-149).

XI. Employment of women and children in mercantile establishments (§§ 160-173).

XII. Examination and registration of horseshoers (§§ 180-184).

XIII. Laws repealed; when to take effect (§§ 190-191).

ARTICLE X—STATE BOARD OF MEDIATION AND ARBITRATION.

Section 140. Organization of board.

141. Secretary and his duties.

142. Arbitration by the board.

143. Mediation in case of strike or lock-out.

144. Decisions of board.

145. Annual report.

146. Submission of controversies to local arbitrators.

147. Consent; oath; powers of arbitrators.

148. Decision of arbitrators.

149. Appeals.

SECTION 140. Organization of board.—There shall continue to be a state board of mediation and arbitration, consisting of three competent persons to be known as arbitrators, appointed by the governor, by and with the advice and consent of the senate, each of whom shall hold his office for the term of three years, and receive an annual salary of three thousand dollars. The term of office of the successors of the members of such board in office when this chapter takes effect, shall be abridged so as to expire on the thirty-first day of December preceding the time when each such term would otherwise expire, and thereafter each term shall begin on the first day of January.

One member of such board shall belong to the political party casting the highest, and one to the party casting the next highest number of votes for governor at the next preceding gubernatorial election. The third shall be a member of an incorporated labor organization of this state.

Two members of such board shall constitute a quorum for the transaction of business, and may hold meetings at any time

or place within the state. Examinations or investigations ordered by the board may be held and taken by and before any of their number, if so directed, but a decision rendered in such a case shall not be deemed conclusive until approved by the board.

§ 141. **Secretary and his duties.** — The board shall appoint a secretary, whose term of office shall be three years. He shall keep a full and faithful record of the proceedings of the board, and all documents and testimony forwarded by the local boards of arbitration, and shall perform such other duties as the board may prescribe. He may, under the direction of the board, issue subpoenas and administer oaths in all cases before the board, and call for and examine books, papers and documents of any parties to the controversy.

He shall receive an annual salary of two thousand dollars, payable in the same manner as that of the members of the board.

§ 142. **Arbitration by the board.** — A grievance or dispute between an employer and his employes may be submitted to the board of arbitration and mediation for their determination and settlement. Such submission shall be in writing, and contain a statement in detail of the grievance or dispute and the cause thereof, and also an agreement to abide the determination of the board, and during the investigation to continue in business or at work, without a lock-out or strike.

Upon such submission the board shall examine the matter in controversy. For the purpose of such inquiry they may subpoena witnesses, compel their attendance and take and hear testimony. Witnesses shall be allowed the same fees as in courts of record. The decision of the board must be rendered within ten days after the completion of the investigation.

§ 143. **Mediation in case of strike or lock-out.** — Whenever a strike or lock-out occurs or is seriously threatened, the board shall proceed as soon as practicable to the locality thereof, and endeavor, by mediation, to effect an amicable settlement of the controversy. It may inquire into the cause thereof, and for that purpose has the same power as in the case of a controversy submitted to it for arbitration.

§ 144. **Decisions of board.** — Within ten days after the completion of every examination or investigation authorized by this article, the board or majority thereof shall render a decision, stating such details as will clearly show the nature of the controversy and the points disposed of by them, and make a written

report of their findings of fact and of their recommendations to each party to the controversy.

Every decision and report shall be filed in the office of the board and a copy thereof served upon each party to the controversy, and in case of a submission to arbitration, a copy shall be filed in the office of the clerk of the county or counties where the controversy arose.

§ 145. **Annual report.** — The board shall make an annual report to the legislature, and shall include therein such statements and explanations as will disclose the actual work of the board, the facts relating to each controversy considered by them and the decision thereon, together with such suggestions as to legislation as may seem to them conducive to harmony in the relations of employers and employees.

§ 146. **Submission of controversies to local arbitrators.** — A grievance or dispute between an employer and his employees may be submitted to a board of arbitrators, consisting of three persons, for hearing and settlement. When the employees concerned are members in good standing of a labor organization, which is represented by one or more delegates in a central body, one arbitrator may be appointed by such central body and one by the employer. The two so designated shall appoint a third, who shall be chairman of the board.

If the employees concerned in such grievance or dispute are members of good standing of a labor organization which is not represented in a central body, the organization of which they are members may select and designate one arbitrator. If such employees are not members of a labor organization, a majority thereof, at a meeting duly called for that purpose, may designate one arbitrator for such board.

§ 147. **Consent; oath; powers of arbitrators.** — Before entering upon his duties, each arbitrator so selected shall sign a consent to act and take and subscribe an oath to faithfully and impartially discharge his duties as such arbitrator, which consent and oath shall be filed in the clerk's office of the county or counties where the controversy arose. When such board is ready for the transaction of business, it shall select one of its members to act as secretary, and notice of the time and place of hearing shall be given to the parties to the controversy.

The board may, through its chairman, subpoena witnesses, compel their attendance and take and hear testimony.

The board may make and enforce rules for its government and the transaction of the business before it, and fix its sessions and adjournments.

§ 148. **Decision of arbitrators.**—The board shall, within ten days after the close of the hearing, render a written decision, signed by them, giving such details as clearly show the nature of the controversy and the questions decided by them. Such decision shall be a settlement of the matter submitted to such arbitrators, unless within ten days thereafter an appeal is taken therefrom to the state board of mediation and arbitration.

One copy of the decision shall be filed in the office of the clerk of the county or counties where the controversy arose, and one copy shall be transmitted to the secretary of the state board of mediation and arbitration.

§ 149. **Appeals.**—The state board of mediation and arbitration shall hear, consider and investigate every appeal to it from any such board of local arbitrators, and its decisions shall be in writing and a copy thereof filed in the clerk's office of the county or counties where the controversy arose, and duplicate copies served upon each party to the controversy. Such decision shall be final and conclusive upon all parties to the arbitration.

MONTANA.

There was a law in Montana, approved Feb. 28, 1887, entitled "An Act to provide for a territorial board of arbitration for the settlement of differences between employers and employees." The Legislative Assembly of the territory on March 14, 1889, created a commission to codify laws and procedure, and to revise, simplify and consolidate statutes; and Montana became a state on November 8 of the same year.

The following is the law relating to arbitration of industrial disputes, as it appears in "The Codes and Statutes of Montana in force July 1, 1895."

THE POLITICAL CODE.

[Part III, Title VII, Chapter XIX.]

§ 3330. There is a state board of arbitration and conciliation consisting of three members, whose term of office is two

years and until their successors are appointed and qualified. The board must be appointed by the governor, with the advice and consent of the senate. If a vacancy occurs at any time the governor shall appoint some one to serve out the unexpired term, and he may in like manner remove any member of said board. [§ 3330. *Act approved March 15, 1895.*]

§ 3331. One of the board must be an employer, or selected from some association representing employers of labor; and one of them must be a laborer, or selected from some labor organization, and not an employer of labor, and the other must be a disinterested citizen.

§ 3332. The members of the board must, before entering upon the duties of their office, take the oath required by the constitution. They shall at once organize by the choice of one of their number as chairman. Said board may appoint and remove a clerk of the board, who shall receive such compensation as may be allowed by the board, but not exceeding five dollars per day for the time employed. The board shall, as soon as possible after its organization, establish such rules or modes of procedure as are necessary, subject to the approval of the governor. [§ 3332. *Act approved March 15, 1895.*]

§ 3333. Whenever any controversy or dispute, not involving questions which may be the subject of a civil action, exists between an employer (if he employs twenty or more in the same general line of business in the state) and his employes, the board must, on application as is hereinafter provided, visit the locality of the dispute and make inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done, by either or both, to adjust said dispute, and the board must make a written decision thereon. The decision must at once be made public, and must be recorded in a book kept by the clerk of the board, and a statement thereof published in the annual report, and the board must cause a copy thereof to be filed with the clerk of the county where the dispute arose.

§ 3334. The application to the board of arbitration and conciliation must be signed by the employer, or by a majority of his employes in the department of the business in which the controversy or difference exists, or their duly authorized agent or by both parties, and shall contain a concise statement of the

grievances complained of, and a promise to continue on in business or at work without any lockout or strike until the decision of said board if it shall be made within four weeks of the date of filing said application. When an application is signed by an agent claiming to represent a majority of such employes, the board shall satisfy itself that such agent is duly authorized in writing to represent such employes, but the names of the employes giving such authority shall be kept secret by said board; as soon as may be after the receipt of said application the secretary of said board shall cause public notice to be given for the time and place for the hearing thereon; but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given; when such request is made notice shall be given to the parties interested in such manner as the board may order; and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. When notice has been given as aforesaid, each of the parties to the controversy, the employer on one side, and the employes interested on the other side, may in writing nominate, and the board may appoint, one person to act in the case as expert assistant to the board.

The two persons so appointed shall be skilled in and conversant with the business or trade concerning which the dispute has arisen. It shall be their duty, under the direction of the board, to obtain and report to the board, information concerning the wages paid, the hours of labor and the methods and grades of work prevailing in manufacturing establishments, or other industries or occupations, within the state of a character similar to that in which the matters in dispute have arisen. Said expert assistants shall be sworn to the faithful discharge of their duty; such oath to be administered by any member of the board, and a record thereof shall be preserved with the record of the proceedings in the case. They shall be entitled to receive from the treasury of the state such compensation as shall be allowed and certified by the board not exceeding ——— dollars per day, together with all necessary traveling expenses. Nothing in this act shall be construed to prevent the board from appointing such other additional expert assistant or assistants as it may deem necessary, who shall be paid in like manner. Should the petitioner or petitioners fail to

perform the promise made in said application, the board shall proceed no further thereupon without the written consent of the adverse party. The board shall have power to summon as witness any operative or employe in the department of business affected and any person who keeps the records of wages earned in those departments, and to examine them under oath, and to require the production of books containing the record of wages paid. Summons may be signed and oaths administered by any member of the board. [§ 3334. *Act approved March 15, 1895.*]

§ 3335. Upon the receipt of such application and after such notice, the board shall proceed as before provided, and render a written decision, which shall be open to public inspection, shall be recorded upon the records of the board, and published at the discretion of the same in an annual report to be made to the governor on or before the first day of December in each year. [§ 3335. *Act approved March 15, 1895.*]

§ 3336. Any decision made by the board is binding upon the parties who join in the application for six months, or until either party has given the other notice in writing of his intention not to be bound by the same at the expiration of sixty days therefrom. The notice must be given to employes by posting the same in three conspicuous places in the shop, office, factory, store, mill, or mine where the employes work.

§ 3337. The parties to any controversy or difference as described in § 3333 of this code may submit the matters in dispute, in writing, to a local board of arbitration and conciliation; such board may be either mutually agreed upon, or the employer may designate one of the arbitrators, the employes, or their duly authorized agent, another, and the two arbitrators so designated may choose a third, who shall be chairman of the board. Such board shall, in respect to the matters referred to it, have and exercise all the powers which the state board might have and exercise, and its decision shall whatever binding effect may be agreed by the parties to the controversy in the written submission. The jurisdiction of such board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the state board. The decision of such board shall be rendered within ten days of the close of any hearing held by it; such decision shall at once be filed with the clerk of the county in which the controversy or

difference arose, and a copy thereof shall be forwarded to the state board and entered on its records. Each of such arbitrators shall be entitled to receive from the treasury of the county in which the controversy or difference that is the subject of the arbitration exists, if such payment shall be approved by the commissioners of said county, the sum of three dollars for each day of actual service, not exceeding ten days for any one arbitration.

Whenever it is made to appear to the mayor of any city or two commissioners of any county, that a strike or lockout such as described hereafter in this section is seriously threatened or actually occurs, the mayor of such city, or said commissioners of such county, shall at once notify the state board of the fact.

Whenever it shall come to the knowledge of the state board, either by notice from the mayor of a city, or two or more commissioners of a county, as provided in this section, or otherwise, that a strike or lockout is seriously threatened or has actually occurred in any city or county of this state, involving an employer and his present or past employes, if at the time he is employing or up to the occurrence of the strike or lockout was employing not less than twenty persons in the same general line of business in any city, town or county in this state, it shall be the duty of the state board to put itself in communication as soon as may be with such employer and employes, and endeavor by mediation to effect an amicable settlement between them, or to endeavor to persuade them, providing that a strike or lockout has not actually occurred or is not then continuing, to submit the matters in dispute to a local board of arbitration and conciliation as above provided, or to the state board; and said state board may, if it deems it advisable, investigate the cause or causes of such controversy, and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes, and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given it by § 3333 of this code.

Witnesses summoned by the state board shall be allowed the sum of fifty cents for each attendance, and the further sum of twenty-five cents for each hour of attendance in excess of two hours, and shall be allowed five cents a mile for travel each way from their respective places of employment or business to

the place where the board is in session. Each witness shall certify in writing the amount of his travel and attendance, and the amount due him shall be (see § 9 of Massachusetts act and make such provision as deemed best) certified to the state board of examiners for auditing, and the same shall be paid as other expenses of the state from any moneys in the state treasury. [§ 3337. *Act approved March 15, 1895.*]

§ 3338. The arbitrators hereby created must be paid five dollars for each day of actual service and their necessary traveling expenses and necessary books or record, to be paid out of the treasury of the state, as by law provided.

MICHIGAN.

[Public Acts, 1889, No. 238.]

An Act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employés, and to authorize the creation of a State court of mediation and arbitration.

SECTION 1. *The people of the State of Michigan enact, That whenever any grievance or dispute of any nature shall arise between any employer and his employés, it shall be lawful to submit the same in writing to a court of arbitrators for hearing and settlement, in the manner hereinafter provided.*

SEC. 2. After the passage of this act the Governor may, whenever he shall deem it necessary, with the advice and consent of the Senate, appoint a State court of mediation and arbitration, to consist of three competent persons, who shall hold their terms of office, respectively, one, two and three years, and upon the expiration of their respective terms the said term of office shall be uniformly for three years. If any vacancy happens by resignation or otherwise he shall, in the same manner, appoint an arbitrator for the residue of the term. If the Senate shall not be in session at the time any vacancy shall occur or exist, the Governor shall appoint an arbitrator to fill the vacancy, subject to the approval of the Senate when convened. Said court shall have a clerk or secretary, who shall be appointed by the court, to serve three years, whose duty it shall be to keep a full and faithful record of the proceedings of the court and also all documents, and to perform such other duties as the said

court may prescribe. He shall have power, under the direction of the court, to issue subpoenas, to administer oaths in all cases before said court, to call for and examine all books, papers and documents of any parties to the controversy, with the same authority to enforce their production as is possessed by the courts of record, or the judges thereof, in this State. Said arbitrators and clerk shall take and subscribe the constitutional oath of office, and be sworn to the due and faithful performance of the duties of their respective offices before entering upon the discharge of the same. An office shall be set apart in the capitol by the person or persons having charge thereof, for the proper and convenient transaction of the business of said court.

SEC. 3. Any two of the arbitrators shall constitute a quorum for the transaction of business, and may hold meetings at any time or place within the State. Examinations or investigations ordered by the court may be held and taken by and before any one of their number, if so directed. But the proceedings and decisions of any single arbitrator shall not be deemed conclusive until approved by the court or a majority thereof. Each arbitrator shall have power to administer oaths.

SEC. 4. Whenever any grievance or dispute of any nature shall arise between any employer and his employés, it shall be lawful for the parties to submit the same directly to said State court, and shall jointly notify said court or its clerk, in writing, of such grievance or dispute. Whenever such notification to said court or its clerk is given, it shall be the duty of said court to proceed, with as little delay as possible, to the locality of such grievance or dispute, and inquire into the cause or causes of grievance or dispute. The parties to the grievance or dispute shall thereupon submit to said court, in writing, succinctly, clearly and in detail, their grievances and complaints, and the cause or causes thereof, and severally agree in writing to submit to the decision of said court as to matters so submitted, and a promise or agreement to continue on in business or at work, without a lockout or strike, until the decision of said court, provided it shall be rendered within ten days after the completion of the investigation. The court shall thereupon proceed to fully investigate and inquire into the matters in controversy, and to take testimony, under oath, in relation thereto, and shall have power, by its chairman or clerk, to administer oaths, to issue subpoenas for the attendance of witnesses, the production of books and papers, to the same

extent as such power is possessed by courts of record, or the judges thereof, in this State.

SEC. 5. After the matter has been fully heard the said board, or majority of its members, shall, within ten days, render a decision thereon in writing, signed by them, or a majority of them, stating such details as will clearly show the nature of the decision and the points disposed of by them. The decision shall be in triplicate, one copy of which shall be filed by the clerk of the court in the clerk's office of the county where the controversy arose, and one copy shall be served on each of the parties to the controversy.

SEC. 6. Whenever a strike or lockout shall occur or is seriously threatened, in any part of the State, and shall come to the knowledge of the court, it shall be its duty, and it is hereby directed to proceed, as soon as practicable, to the locality of such strike or lockout and put itself in communication with the parties to the controversy, and endeavor by mediation to effect an amicable settlement of such controversy; and, if in its judgment it is deemed best, to inquire into the cause or causes of the controversy, and to that end the court is hereby authorized to subpoena witnesses, compel their attendance, and send for persons and papers, in like manner and with the same powers as it is authorized to do by section four of this act.

SEC. 7. The fees of witnesses shall be one dollar for each day's attendance, and seven cents per mile traveled by the nearest route in getting to and returning from the place where attendance is required by the court, to be allowed by the board of State auditors upon the certificate of the court. All subpoenas shall be signed by the secretary of the court, and may be served by any person of full age authorized by the court to serve the same.

SEC. 8. Said court shall make a yearly report to the Legislature, and shall include therein such statements, facts and explanations as will disclose the actual working of the court, and such suggestions as to legislation, as may seem to them conducive to harmonizing the relations of, and disputes between, employers and the wage-earning.

SEC. 9. Each arbitrator shall be entitled to five dollars per day for actual service performed, payable from the treasury of the State. The clerk or secretary shall be appointed from one of their number, and shall receive an annual salary not to ex-

ceed twelve hundred dollars, without per diem, per year, payable in the same manner.

SEC. 10. Whenever the term "employer" or "employers" is used in this act it shall be held to include "firm" "joint stock association," "company" or "corporation," as fully as if each of the last named terms was expressed in each place. [*Approved July 3, 1889.*]

CALIFORNIA.

An Act to provide for a State Board of Arbitration for the settlement of differences between employers and employes, to define the duties of said Board, and to appropriate the sum of twenty-five hundred dollars therefor.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. On or before the first day of May of each year, the Governor of the State shall appoint three competent persons to serve as a State Board of Arbitration and Conciliation. One shall represent the employers of labor, one shall represent labor employes, and the third member shall represent neither, and shall be Chairman of the Board. They shall hold office for one year and until their successors are appointed and qualified. If a vacancy occurs, as soon as possible thereafter the Governor shall appoint some one to serve the unexpired term; *provided, however*, that when the parties to any controversy or difference, as provided in section two of this Act, do not desire to submit their controversy to the State Board, they may by agreement each choose one person, and the two shall choose a third, who shall be Chairman and umpire, and the three shall constitute a Board of Arbitration and Conciliation for the special controversy submitted to it, and shall for that purpose have the same powers as the State Board. The members of the said Board or Boards, before entering upon the duties of their office, shall be sworn to faithfully discharge the duties thereof. They shall adopt such rules of procedure as they may deem best to carry out the provisions of this Act.

SEC. 2. Whenever any controversy or difference exists between an employer, whether an individual, copartnership, or corporation, which, if not arbitrated, would involve a strike or

lockout, and his employes, the Board shall, upon application, as hereinafter provided, and as soon as practicable thereafter, visit, if necessary, the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either, or both, to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the board.

SEC. 3. Said application shall be signed by said employer, or by a majority of his employes in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work, without any lockout or strike, until the decision of said Board, which must, if possible, be made within three weeks of the date of filing the application. Immediately upon the receipt of said application, the Chairman of said Board shall cause public notice to be given of the time and place for hearing. Should the petitioners fail to keep the promise made therein, the Board shall proceed no further thereupon without the written consent of the adverse party. And the party violating the contract shall pay the extra cost of the Board entailed thereby. The Board may then reopen the case and proceed to the final arbitration thereof as provided in section two hereof.

SEC. 4. The decision rendered by the Board shall be binding upon the parties who join in the application for six months, or until either party has given the other a written notice of his intention not to be further bound by the conditions thereof after the expiration of sixty days or any time agreed upon by the parties, which agreement shall be entered as a part of the decision. Said notice may be given to the employes by posting a notice thereof in three conspicuous places in the shop or factory where they work.

SEC. 5. Both employers and employes shall have the right at any time to submit to the Board complaints of grievances and ask for an investigation thereof. The Board shall decide whether the complaint is entitled to a public investigation, and if they decide in the affirmative, they shall proceed to hear the testimony, after giving notice to all parties concerned, and

publish the result of their investigations as soon as possible thereafter.

SEC. 6. The arbitrators hereby created shall be paid five dollars per day for each day of actual service, and also their necessary traveling and other expenses incident to the duties of their office shall be paid out of the State Treasury; but the expenses and salaries hereby authorized shall not exceed the sum of twenty-five hundred dollars for the two years.

SEC. 7. The sum of twenty-five hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the expenses of the Board for the first two years after its organization.

SEC. 8. This Act shall take effect and be in force from and after its passage. [*Approved March 10, 1891.*]

NEW JERSEY.

An Act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employees, and to authorize the creation of a state board of arbitration.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any grievance or dispute of any nature growing out of the relation of employer and employee shall arise or exist between employer and employees, it shall be lawful to submit all matters respecting such grievance or dispute, in writing, to a board of arbitrators, to hear, adjudicate and determine the same; said board shall consist of five persons; when the employees concerned in any such grievance or dispute as aforesaid are members in good standing of any labor organization, which is represented by one or more delegates in a central body, the said central body shall have power to designate two of said arbitrators; and the employer shall have the power to designate two others of said arbitrators, and the said four arbitrators shall designate a fifth person as arbitrator, who shall be chairman of the board; in case the employees concerned in any such grievance or dispute as aforesaid are members in good standing of a labor organization which is not represented in a central body, then the organization of which they are members shall have the power to select and designate two arbi-

trators for said board, and said board shall be organized as hereinbefore provided; and in case the employees concerned in any such grievance or dispute as aforesaid are not members of any labor organization, then a majority of said employees, at a meeting duly held for that purpose, shall designate two arbitrators for said board, and the said board shall be organized as hereinbefore provided.

2. *And be it enacted*, That any board as aforesaid selected may present a petition to the county judge of the county where such grievances or disputes to be arbitrated may arise, signed by at least a majority of said board, setting forth in brief terms the nature of the grievance or dispute between the parties to said arbitration, and praying the license or order of such judge establishing and approving said board of arbitration; upon the presentation of said petition it shall be the duty of the said judge to make an order establishing such board of arbitration and referring the matters in dispute to it for hearing, adjudication and determination; the said petition and order or a copy thereof shall be filed in the office of the clerk of the county in which the said judge resides.

3. *And be it enacted*, That the arbitrators so selected shall sign a consent to act as such, and shall take and subscribe an oath before an officer authorized to administer oaths, to faithfully and impartially discharge his duties as such arbitrator, which consent and oath shall be immediately filed in the office of the clerk of the county wherein such arbitrators are to act; when the said board is ready for the transaction of business, it shall select one of its members to act as secretary, and the parties to the dispute shall receive notice of a time and place of hearing; the chairman shall have power to administer oaths and to issue subpoenas for the production of books and papers, and for the attendance of witnesses, to the same extent that such power is possessed by the courts of records or the judges thereof in this state; the board may make and enforce the rules for its government and transaction of the business before it and fix its sessions and adjournments, and shall hear and examine such witnesses as may be brought before the board, and such other proof as may be given relative to the matters in dispute.

4. *And be it enacted*, That after the matter has been fully heard, the said board or a majority of its members shall within ten days render a decision thereon, in writing, signed by them,

giving such details as will clearly show the nature of the decision and the matters adjudicated and determined; such adjudication and determination shall be a settlement of the matter referred to said arbitrators, unless an appeal is taken therefrom as hereinafter provided; the adjudication and determination shall be in duplicate, one copy of which shall be filed in the office of the clerk of the county, and the other transmitted to the secretary of the state board of arbitration hereinafter mentioned, together with the testimony taken before said board.

5. *And be it enacted*, That when the said board shall have rendered its adjudication and determination its powers shall cease, unless there may be in existence at the time other similar grievances or disputes between the same classes of persons mentioned in section one, and in such case such persons may submit their differences to the said board, which shall have power to act and adjudicate and determine the same as fully as if said board was originally created for the settlement of such other difference or differences.

6. *And be it enacted*, That within thirty days after the passage of this act the governor shall appoint a state board of arbitration, to consist of three competent persons, each of whom shall hold his office for the term of five years; one of said persons shall be selected from a bona fide labor organization of this state. If any vacancy happens, by resignation or otherwise, the governor shall, in the same manner, appoint an arbitrator for the residue of the term; said board shall have a secretary, who shall be appointed by and hold office during the pleasure of the board and whose duty shall be to keep a full and faithful record of the proceedings of the board and also possession of all documents and testimony forwarded by the local boards of arbitration, and perform such other duties as the said board may prescribe; he shall have power, under the direction of the board, to issue subpoenas, to administer oaths in all cases before said board, to call for and examine books, papers and documents of any parties to the controversy, with the same authority to enforce their production as is possessed by the courts of record, or the judges thereof, in this state; said arbitrators of said state board and the clerk thereof shall take and subscribe the constitutional oath of office, and be sworn to the due and faithful performance of the duties of their respective offices before entering upon the discharge of the same; an office

shall be set apart in the capitol by the person having charge thereof, for the proper and convenient transaction of the business of said board.

7. *And be it enacted*, That an appeal may be taken from the decision of any local board of arbitration within ten days after the filing of its adjudication and determination of any case; it shall be the duty of the said state board of arbitration to hear and consider appeals from the decisions of local boards and promptly to proceed to the investigation of such cases, and the adjudication and determination of said board thereon shall be final and conclusive in the premises upon all parties to the arbitration; such adjudications and determinations shall be in writing, and a copy thereof shall be furnished to each party; any two of the state board of arbitrators shall constitute a quorum for the transaction of business, and may hold meetings at any time or place within the state; examinations or investigations ordered by the state board may be held and taken by and before any one of their number if so directed; but the proceedings and decision of any single arbitrator shall not be deemed conclusive until approved by the board or a majority thereof; each arbitrator shall have power to administer oaths.

8. *And be it enacted*, That whenever any grievance or dispute of any nature shall arise between any employer and his employees, it shall be lawful for the parties to submit the same directly to said state board in the first instance, in case such parties elect to do so, and shall jointly notify said board or its clerk, in writing, of such election; whenever such notification to said board or its clerk is given, it shall be the duty of said board to proceed, with as little delay as possible, to the locality of such grievance or dispute, and inquire into the cause or causes of grievance or dispute; the parties to the grievance or dispute shall thereupon submit to said board, in writing, succinctly, clearly and in detail, their grievances and complaints, and the cause or causes thereof, and severally agree, in writing, to submit to the decision of said board as to matters so submitted, and a promise or agreement to continue on in business or at work, without a lockout or strike until the decision of said board, provided it shall be rendered within ten days after the completion of the investigation; the board shall thereupon proceed to fully investigate and inquire into the matters in controversy, and to take testimony under oath in relation thereto,

and shall have power by its chairman or clerk, to administer oaths, to issue subpoenas for the attendance of witnesses, the production of books and papers, to the same extent as such power is possessed by courts of record, or the judges thereof, in this State.

9. *And be it enacted*, That after the matter has been fully heard, the said board, or a majority of its members, shall, within ten days, render a decision thereon in writing, signed by them or a majority of them, stating such details as will clearly show the nature of the decision, and the points disposed of by them; the decision shall be in triplicate, one copy of which shall be filed by the clerk of the board in the clerk's office of the county where the controversy arose, and one copy shall be served on each of the parties to the controversy.

10. *And be it enacted*, That whenever a strike or lockout shall occur or is seriously threatened in any part of the state, and shall come to the knowledge of the board, it shall be its duty, and it is hereby directed to proceed, as soon as practicable, to the locality of such strike or lockout and put itself in communication with the parties to the controversy, and endeavor by mediation to effect an amicable settlement of such controversy; and, if in its judgment it is deemed best, to inquire into the cause of the controversy, and to that end the board is hereby authorized to subpoena witnesses, compel their attendance, and send for persons and papers, in like manner and with the same powers as it is authorized to do by section eight of this act.

11. *And be it enacted*, That the fees of witnesses of aforesaid state board shall be fifty cents for each day's attendance and four cents per mile traveled by the nearest route in getting to or returning from the place where attendance is required by the board; all subpoenas shall be signed by the secretary of the board and may be served by any person of full age, authorized by the board to serve the same.

12. *And be it enacted*, That said board shall annually report to the legislature, and shall include in their report such statements, facts and explanations as will disclose the actual working of the board, and such suggestions with regard to legislation as may seem to them conducive to harmonizing the relations of and disputes between employers and employees, and the improvement of the present system of production by labor.

13. *And be it enacted*, That each arbitrator of the state board and the secretary thereof shall receive ten dollars for each and every day actually employed in the performance of his duties herein and actual expenses incurred, including such rates of mileage as are now provided by law, payable by the state treasurer on duly approved vouchers.

14. *And be it enacted*, That whenever the term "employer" or "employers" is used in this act it shall be held to include "firm," "joint stock association," "company," "corporation," or "individual and individuals," as fully as if each of said terms was expressed in each place.

15. *And be it enacted*, That this act shall take effect immediately. [*Approved March 24, 1892. P. L., Chap. 137.*]

A Supplement to an act entitled "An act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employees, and to authorize the creation of a state board of arbitration," approved March twenty-fourth, eighteen hundred and ninety-two, and to end the term of office of any person or persons appointed under this act.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Samuel S. Sherwood, William M. Doughty, James Martin, Charles A. Houston, Joseph L. Moore be and they are hereby constituted a board of arbitration, each to serve for the term of three years from the approval of this supplement, and that each arbitrator herein named shall receive an annual salary of twelve hundred dollars per annum, in lieu of all fees, per diem compensation and mileage, and one of said arbitrators shall be chosen by said arbitrators as the secretary of said board, and he shall receive an additional compensation of two hundred dollars per annum, the salaries herein stated to be payable out of moneys in the state treasury not otherwise appropriated.

2. *And be it enacted*, That in case of death, resignation or incapacity of any member of the board, the governor shall appoint, by and with the advice and consent of the senate, an arbitrator to fill the unexpired term of such arbitrator or arbitrators so dying, resigning or becoming incapacitated.

3. *And be it enacted*, That the term of office of the arbitra-

tors now acting as a board of arbitrators, shall, upon the passage of this supplement, cease and terminate, and the persons named in this supplement as the board of arbitrators shall immediately succeed to and become vested with all the powers and duties of the board of arbitrators now acting under the provisions of the act of which this act is a supplement.

4. *And be it enacted*, That after the expiration of the terms of office of the persons named in this supplement, the governor shall appoint by and with the advice and consent of the senate their successors for the length of term and at the salary named in the first section of this supplement.

5. *And be it enacted*, That this act shall take effect immediately. [*Approved March 25, 1895. P. L., Chap. 341.*]

OHIO.

On March 14, 1893, Ohio adopted a law providing for a State board of arbitration. The statute, as amended May 21, 1894, and April 27, 1896, is as follows:—

An Act to provide for a state board of arbitration for the settlement of differences between employers and their employes and to repeal an act entitled “An act to authorize the creation and to provide for the operation of tribunals of voluntary arbitration, to adjust industrial disputes between employers and employes,” passed Feb. 10, 1885.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That within thirty days after the passage of this act, the governor of the state, with the advice and consent of the senate, shall appoint three competent persons to serve as a state board of arbitration and conciliation in the manner hereinafter provided. One of them shall be an employer or selected from some association representing employers of labor, one of them shall be an employe or an employee selected from some labor organization and not an employer of labor, and the third shall be appointed upon the recommendation of the other two; provided, however, that if the two appointed do not agree on the third man at the expiration of thirty days, he shall be appointed by the governor; and provided, also, that appointments made when the senate is not in session may be confirmed at the next ensuing session.

SECTION 2. One shall be appointed for one year, one for two years, and one for three years, and all appointments thereafter shall be for three years or until their respective successors are appointed in the manner above provided. If, for any reason a vacancy occurs at any time, the governor shall, in the same manner, appoint some person to serve out the unexpired term, and he may remove any member of said board.

SECTION 3. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge thereof. They shall organize at once by the choice of one of their number as chairman, and one of their number as secretary. The board shall, as soon as possible after its organization, establish such rules of procedure as shall be approved by the governor.

SECTION 4. Whenever any controversy or difference not involving questions which may be the subject of a suit or action in any court of the state exists between an employer (whether an individual, copartnership or corporation) and his employees, if, at the time he employs not less than twenty-five persons in the same general line of business in this state, the board shall, upon application as hereinafter provided and as soon as practical thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come, or be subpoenaed before them, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute. The term employer in this act includes several employers co-operating with respect to any such controversy or difference, and the term employees includes aggregations of employees of several employers so co-operating. And where any strike or lock-out extends to several counties, the expenses incurred under this act are not payable out of the state treasury, shall be apportioned among and paid by such counties as said board may deem equitable and may direct.

SECTION 5. Such mediation having failed to bring about an adjustment of the said differences, the board shall immediately make out a written decision thereon. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the said board shall cause a copy thereof to be filed with the clerk of the city or county where said business is carried on.

SECTION 6. Said application for arbitration and conciliation to said board can be made by either or both parties to the controversy ; and shall be signed in the respective instances by said employer or by a majority of his employes in the department of the business in which the controversy or difference exists, or the duly authorized agent of either or both parties. When an application is signed by an agent claiming to represent a majority of such employes, the board shall satisfy itself that such agent is duly authorized in writing to represent such employes, but the names of the employes giving such authority shall be kept secret by said board.

SECTION 7. Said application shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work in the same manner as at the time of the application, without any lock-out or strike, until the decision of said board, if it shall be made within ten days of the date of filing said application ; provided, a joint application may contain a stipulation that the decision of the board under such joint application shall be binding upon the parties to the extent so stipulated, and such decision to such extent may be made and enforced as a rule of court in the court of common pleas of the county from which such joint application comes, as upon a statutory award.

SECTION 8. As soon as may be, after the receipt of said application, the secretary of said board shall cause public notice to be given of the time and place for the hearing therein, but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order, and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. Should the petitioner or petitioners fail to perform the promise made in said application, the board shall proceed no further therein without the written consent of the adverse party.

SECTION 9. The board shall have power to subpoena as witnesses any operative in the department of business affected, or other persons shown by affidavit, on belief, or otherwise, to have knowledge of the matters in controversy or dispute, and any who keeps the records of wages earned in such departments, and

examine them under oath touching such matters, and to require the production of books or papers containing the record of wages earned or paid. Subpœnas may be signed and oaths administered by any member of the board. A subpœna or any notice may be delivered or sent to any sheriff, constable or police officer, who shall forthwith serve or post the same, as the case may be, and make due return thereof according to directions, and for such service he shall receive the fees allowed by law in similar cases, payable from the treasurer of the county wherein the controversy to be arbitrated exists, upon the warrant of the county auditor, issued on the certificate of the board that such fees are correct and due. And the board shall have the same power and authority to maintain and enforce order at its hearings and obedience to its writs of subpoena as by law conferred on the court of common pleas for like purposes.

SECTION 10. The parties to any controversy or difference, as described in section 4 of this act, may submit the matters in dispute, in writing, to a local board of arbitration and conciliation; such board may either be mutually agreed upon, or the employer may designate one of the arbitrators, the employes or their duly authorized agent another, and the two arbitrators so designated may choose a third, who shall be chairman of the board.

SECTION 11. Such local board of arbitration shall, in respect to the matters referred to it, have and exercise all the powers which the state board might have and exercise, and its decision shall have whatever binding effect may be agreed by the parties to the controversy in the written submission. The jurisdiction of such local board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the state board. The decision of said board shall be rendered within ten days of the close of any hearing held by it; such decision shall at once be filed with the clerk of the city or county in which the controversy or difference arose, and a copy thereof shall be forwarded to the state board.

SECTION 12. Each of such arbitrators of such a local board shall be entitled to receive from the treasury of the city or county in which the controversy or difference, that is the subject of the arbitrators exists, if such payment is approved in writing by the city council or the administrative board of such city or board of county commissioners of such county, the sum of three dollars for each day of actual service, not exceeding ten days for any one arbitration.

SECTION 13. Whenever it is made to appear to a mayor or probate judge in this state that a strike or lockout is seriously threatened, or has actually occurred, in his vicinity, he shall at once notify the state board of the fact, giving the name and location of the employer, the nature of the trouble, and the number of employes involved, so far as his information will enable him to do so. Whenever it shall come to the knowledge of the state board, either by such notice or otherwise, that a strike or lockout is seriously threatened, or has actually occurred, in this state, involving an employer and his present or past employes, if at the time he is employing, or, up to the occurrence of the strike or lockout, was employing not less than twenty-five persons in the same general line of business in the state, it shall be the duty of the state board to put itself in communication, as soon as may be, with such employer and employes.

SECTION 14. It shall be the duty of the state board in the above described cases to endeavor, by mediation or conciliation, to effect an amicable settlement between them, or, if that seems impracticable, to endeavor to persuade them to submit the matters in dispute to a local board of arbitration and conciliation, as above provided, or to the state board; and said board may, if it deem it advisable, investigate the cause or causes of such controversy and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes, and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given it by section 9 of this act; provided, if neither a settlement nor an arbitration be had because of the opposition thereto of one party to the controversy, such investigation and publication shall, at the request of the other party, be had. And the expense of any publication under this act shall be certified and paid as provided therein for payment of fees.

SECTION 15. Witnesses summoned by the state board shall be allowed the sum of fifty cents for each attendance, and the further sum of twenty-five cents for each hour of attendance in excess of two hours, and shall be allowed five cents a mile for travel each way from their respective places of employment or business to the place where the board is in session. Each witness shall state in writing the amount of his travel and attendance, and said state board shall certify the amount due each

witness to the auditor of the county in which the controversy or difference exists, who shall issue his warrant upon the treasury of said county for the said amount.

SECTION 16. The said state board shall make a yearly report to the governor and legislature, and shall include therein such statements, facts and explanations as will disclose the actual workings of the board, and such suggestions as to legislation as may seem to the members of the board conducive to the friendly relations of, and to the speedy and satisfactory adjustment of disputes between employers and employees.

SECTION 17. The members of said board of arbitration and conciliation hereby created shall each be paid five dollars a day for each day of actual service, and their necessary traveling and other expenses. The chairman of the board shall, quarterly, certify the amount due each member and on presentation of his certificate the auditor of state shall draw his warrant on the treasury of the state for the amount. When the state board meets at the capitol of the state, the adjutant general shall provide rooms suitable for such meeting.

SECTION 18. That an act entitled "An act to authorize the creation and to provide for the operation of tribunals of voluntary arbitration to adjust industrial disputes between employers and employes," of the Revised Statutes of the state, passed February 10, 1895, is hereby repealed.

SECTION 19. This act shall take effect and be in force from and after its passage.

LOUISIANA.

[No. 139.]

An Act to provide for a State Board of Arbitration for the settlement of differences between employers and employees.

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, that within thirty days after the passage of this act, the Governor of the State, with the advice and consent of the Senate, shall appoint five competent persons to serve as a Board of Arbitration and Conciliation in the manner hereinafter provided. Two of them shall be employers, selected or recommended by some association or Board representing em-

ployers of labor; two of them shall be employees, selected or recommended by the various labor organizations, and not an employer of labor, and the fifth shall be appointed upon the recommendation of the other four; provided however, that if the four appointed do not agree on the fifth man at the expiration of thirty days, he shall be appointed by the Governor; provided, also, that if the employers or employees fail to make their recommendation as herein provided within thirty days, then the Governor shall make said appointments in accordance with the spirit and intent of this Act; said appointments, if made when the Senate is not in session, may be confirmed at the next ensuing session.

SEC. 2. Two shall be appointed for two years, two for three years, and one, the fifth member, for four years, and all appointments thereafter shall be for four years, or until their successors are appointed in the manner above provided. If, for any reason, a vacancy occurs at any time, the Governor shall in the same manner appoint some person to serve out the unexpired term.

SEC. 3. Each member of said Board shall before entering upon the duties of his office, be sworn to the faithful discharge thereof. They shall organize at once by the choice of one of their number as chairman and one of their number as secretary. The Board shall, as soon as possible after its organization, establish rules of procedure.

SEC. 4. Whenever any controversy or difference not involving questions which may be the subject of a suit or action in any court of the State, exists between an employer, whether an individual, copartnership or corporation, and his employees, if at the time he employs not less than twenty persons in the same general line of business in any city or parish of this State, the board shall, upon application as hereinafter provided, and as soon as practicable thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, and advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute.

SEC. 5. Such mediation having failed to bring about an adjustment of the said differences, the Board shall immediately make out a written decision thereon. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement

thereof published in the annual report hereinafter provided for, and the said Board shall cause a copy thereof to be filed with the clerk of the court of the city or parish where said business is carried on.

SEC. 6. Said application for arbitration and conciliation to said Board can be made by either or both parties to the controversy, and shall be signed in the respective instances by said employer or by a majority of the employees in the department of the business in which the controversy or difference exists, or the duly authorized agent of either or both parties. When an application is signed by an agent claiming to represent a majority of such employees, the Board shall satisfy itself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving authority shall be kept secret by said board.

SEC. 7. Said application shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work in the same manner as at the time of the application without any lockout or strike until the decision of said Board, if it shall be made within ten days of the date of filing said application.

SEC. 8. As soon as may be after the receipt of said application, the secretary of said Board shall cause public notice to be given of the time and place for the hearing therein, but public notice need not be given when both parties join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the Board may order, and the Board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. Should the petitioner or petitioners fail to perform the promise made in said application, the Board shall proceed no further therein until said petitioner or petitioners have complied with every order and requirement of the Board.

SEC. 9. The Board shall have power to summon as witnesses any operative in the department of the business affected, and any person who keeps the records of wages earned in those departments, and examine them under oath, and to require the production of books and papers containing the record of wages earned or paid. Summons may be signed and oaths administered by any member of the Board. The Board shall have the

right to compel the attendance of witnesses or the production of papers.

SEC. 10. Whenever it is made to appear to the Mayor of a city or the judge of any District Court in any parish, other than the parish of Orleans, that a strike or lockout is seriously threatened or actually occurs, the Mayor of such city or judge of the District Court of such parish shall at once notify the State Board of the fact. Whenever it shall come to the knowledge of the State Board, either by the notice of the Mayor of a city or the judge of the District Court of the parish, as provided in the preceding part of this section, or otherwise, that a lockout or strike is seriously threatened, or has actually occurred, in any city or parish of this State, involving an employer and his present or past employees, if at the time he is employing, or up to the occurrence of a strike or lockout was employing not less than twenty persons in the same general line of business in any city or parish in the State, it shall be the duty of the State Board to put itself in communication as soon as may be with such employer and employees.

SEC. 11. It shall be the duty of the State Board in the above-described cases to endeavor, by mediation or conciliation, to effect an amicable settlement between them, and to endeavor to persuade them, provided a strike or lockout has not actually occurred or is not then continuing, to submit the matters in dispute to the State Board of Arbitration and Conciliation; and the State Board shall, whether the same be mutually submitted to them or not, investigate the cause or causes of such controversy, and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and shall make and publish a report finding such cause or causes and assigning such responsibility or blame. The Board shall have the same powers for the foregoing purposes as are given it by Section 9 of this act.

SEC. 12. The said State Board shall make a biennial report to the Governor and Legislature, and shall include therein such statements, facts and explanations as will disclose the actual workings of the Board, and such suggestions as to legislation as may seem to the members of the board conducive to the relations of and disputes between employers and employees.

SEC. 13. The members of said State Board of Arbitration and conciliation, hereby created, shall each be paid five dollars a

day for each day of actual service, and their necessary traveling and other expenses. The chairman of the Board shall quarterly certify the amount due each member, and, on presentation of his certificate the Auditor of the State shall draw his warrant on the Treasury of the State for the amount.

SEC. 14. This act shall take effect and be in force from and after its passage. [*Approved July 12, 1894.*]

WISCONSIN.

[CHAPTER 364.]

An Act to provide for a state board of arbitration and conciliation for the settlement of differences between employers and their employees.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The governor of the state shall within sixty days after the passage and publication of this act appoint three competent persons in the manner hereinafter provided, to serve as a state board of arbitration and conciliation. One of such board shall be an employer, or selected from some association representing employers of labor; one shall be selected from some labor organization and not an employer of labor; and the third shall be appointed upon the recommendation of the other two; provided, however, that if the two appointed by the governor as herein provided do not agree upon the third member of such board at the expiration of thirty days, the governor shall appoint such third member. The members of said board shall hold office for the term of two years and until their successors are appointed. If a vacancy occurs at any time the governor shall appoint a member of such board to serve out the unexpired term, and he may remove any member of said board. Each member of such board shall before entering upon the duties of his office be sworn to support the constitution of the United States, the constitution of the state of Wisconsin, and to faithfully discharge the duties of his office. Said board shall at once organize by the choice of one of their number as chairman and another as secretary.

SECTION 2. Said board shall as soon as possible after its organization establish such rules of procedure as shall be approved by the governor and attorney-general.

SECTION 3. Whenever any controversy or difference not the subject of litigation in the courts of this state exists between an employer, whether an individual, co-partnership or corporation, and his employes, if at the time he employs not less than twenty-five persons in the same general line of business in any city, village or town in this state, said board shall upon application as hereinafter provided, and as soon as practicable thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, (if anything,) should be done or submitted to by either or both to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be published in two or more newspapers published in the locality of such dispute, shall be recorded upon proper books of record to be kept by the secretary of said board, and a succinct statement thereof published in the annual report hereinafter provided for, and said board shall cause a copy of such decision to be filed with the clerk of the city, village or town where said business is carried on.

SECTION 4. Said application shall be signed by said employer, or by a majority of his employes in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievances complained of and a promise and agreement to continue in business or at work without any lookout or strike until the decision of said board; provided, however, that said board shall render its decision within thirty days after the date of filing such application. As soon as may be after the receipt of said application the secretary of said board shall cause public notice to be given of the time and place for the hearing thereof; but public notice need not be given when both parties to the controversy join in the application and request in writing that no public notice be given. When notice has been given as aforesaid the board may in its discretion appoint two expert assistants to the board, one to be nominated by each of the parties to the controversy; provided, that nothing in this act shall be construed to prevent the board from appointing such other additional expert assistants as they may deem necessary. Such expert assistants shall be sworn to the faithful discharge of their duty, such oath to

be administered by any member of the board. Should the petitioner, or petitioners, fail to perform the promise and agreement made in said application, the board shall proceed no further thereupon without the written consent of the adverse party. The board shall have power to subpoena as witnesses any operative in the departments of business affected by the matter in controversy, and any person who keeps the records of wages earned in such departments and to examine them under oath, and to require the production of books containing the record of wages paid. Subpoenas may be signed and oaths administered by any member of the board.

SECTION 5. The decision of the board herein provided for shall be open to public inspection, shall be published in a biennial report to be made to the governor of the state with such recommendations as the board may deem proper, and shall be printed and distributed according to the provisions governing the printing and distributing of other state reports.

SECTION 6. Said decision shall be binding upon the parties who join in said application for six months, or until either party has given the other notice in writing of his intention not to be bound by such decision from and after the expiration of sixty days from the date of said notice. Said notice may be given by serving the same upon the employer or his representative, and by serving the same upon the employees by posting the same in three conspicuous places in the shop, factory, yard or upon the premises where they work.

SECTION 7. The parties to any controversy or difference as described in section 3 of this act may submit the matters in dispute in writing to a local board of arbitration and conciliation; said board may either be mutually agreed upon or the employer may designate one of such arbitrators, the employees or their duly authorized agent another, and the two arbitrators so designated may choose a third, who shall be chairman of such local board; such board shall in respect to the matters referred to it have and exercise all the powers which the state board might have and exercise, and its decision shall have such binding effect as may be agreed upon by the parties to the controversy in the written submission. The jurisdiction of such local board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the state board. Such local board shall render its de-

cision in writing within ten days after the close of any hearing held by it, and shall file a copy thereof with the secretary of the state board. Each of such local arbitrators shall be entitled to receive from the treasurer of the city, village or town in which the controversy or difference that is the subject of arbitration exists, if such payment is approved in writing by the mayor of such city, the board of trustees of such village, or the town board of such town, the sum of three dollars for each day of actual service not exceeding ten days for any one arbitration.

SECTION 8. Whenever it is made to appear to the mayor of a city, the village board of a village, or the town board of a town, that a strike or lockout such as is described in section 9, of this act, is seriously threatened or actually occurs, the mayor of such city, or the village board of such village, or the town board of such town, shall at once notify the state board of such facts, together with such information as may be available.

SECTION 9. Whenever it shall come to the knowledge of the state board by notice as herein provided, or otherwise, that a strike or lockout is seriously threatened, or has actually occurred, which threatens to or does involve the business interests of any city, village or town of this state, it shall be the duty of the state board to investigate the same as soon as may be and endeavor by mediation to effect an amicable settlement between employers and employes, and endeavor to persuade them, provided a strike or lockout has not actually occurred or is not then continuing, to submit the matters in dispute to a local board of arbitration and conciliation as herein provided for, or to the state board. Said state board may if it deems advisable investigate the cause or causes of such controversy, ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes and assigning such responsibility or blame.

SECTION 10. Witnesses subpoenaed by the state board shall be allowed for their attendance and travel the same fees as are allowed to witnesses in the circuit courts of this state. Each witness shall certify in writing the amount of his travel and attendance, and the amount due him upon approval by the board shall be paid out of the state treasury.

SECTION 11. The members of the state board shall receive the actual and necessary expenses incurred by them in the per-

formance of their duties under this act, and the further sum of five dollars a day each for the number of days actually and necessarily spent by them, the same to be paid out of the state treasury.

SECTION 12. The act shall take effect and be in force from and after its passage and publication. [*Approved April 19, 1895. Published May 3, 1895.*]

MINNESOTA.

[CHAPTER 170.]

An Act to provide for the settlement of differences between employers and employes, and to authorize the creation of boards of arbitration and conciliation, and to appropriate money for the maintenance thereof.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That within thirty (30) days after the passage of this act the governor shall, by and with the advice and consent of the senate, appoint a state board of arbitration and conciliation, consisting of three competent persons, who shall hold office until their successors are appointed. On the first Monday in January, 1897 and thereafter biennially, the governor, by and with like advice and consent, shall appoint said board, who shall be constituted as follows; One of them shall be an employer of labor, one of them shall be a member selected from some bona fide trade union and not an employer of labor, and who may be chosen from a list submitted by one or more trade and labor assemblies in the State, and the third shall be appointed upon the recommendation of the other two as hereinafter provided, and shall be neither an employe, or an employer of skilled labor; *provided* — however, that if the two first appointed do not agree in nominating one or more persons to act as the third member before the expiration of ten (10) days, the appointment shall then be made by the governor without such recommendation. Should a vacancy occur at any time, the governor shall in the same manner appoint some one having the same qualifications to serve out the unexpired term, and he may also remove any member of said board.

SEC. 2. The said board shall, as soon as possible after their appointment, organize by electing one of their members as

president and another as secretary, and establish, subject to the approval of the governor, such rules of procedure as may seem advisable.

SEC. 3. That whenever any controversy or difference arises, relating to the conditions of employment or rates of wages between any employer, whether an individual, a copartnership or corporation, and whether resident or non-resident, and his or their employes, if at the time he or it employs not less than ten (10) persons in the same general line of business in any city or town in this state, the board shall, upon application, as hereinafter provided, as soon as practicable thereafter, visit the locality of the dispute and make a careful inquiry into the causes thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be submitted to by either or both to adjust said dispute, and within ten days after said inquiry make a written decision thereon. This decision shall at once be made public and a short statement thereof published in a biennial report hereinafter provided for, and the said board shall also cause a copy of said decision to be filed with the clerk of the district court of the county where said business is carried on.

SEC. 4. That said application shall be signed by said employer or by a majority of his employes in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievance alleged, and shall be verified by at least one of the signers. When an application is signed by an agent claiming to represent a majority of such employes, the board shall, before proceeding further, satisfy itself that such agent is duly authorized in writing to represent such employes, but the names of the employes giving such authority shall be kept secret by said board. Within three days after the receipt of said application the secretary of said board shall cause public notice to be given of the time and place where said hearing shall be held. But public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made notice shall be given to the parties interested in such manner as the board may order; and the board may at any stage of the proceedings cause public notice to be given notwithstanding such request.

SEC. 5. The said board shall have power to summon as witnesses any clerk, agent or employe in the departments of the business who keeps the records of wages earned in those departments, and require the production of books containing the records of wages paid. Summons may be signed and oaths administered by any member of the board. Witnesses summoned before the board shall be paid by the board the same witness fees as witnesses before a district court.

SEC. 6. That upon the receipt of an application, after notice has been given as aforesaid, the board shall proceed as before provided, and render a written decision which shall be open to public inspection, and shall be recorded upon the records of the board and published at the discretion of the same in a biennial report which shall be made to the legislature on or before the first Monday in January of each year in which the legislature is in regular session.

SEC. 7. In all cases where the application is mutual, the decision shall provide that the same shall be binding upon the parties concerned in said controversy or dispute for six months, or until sixty days after either party has given the other notice in writing of his or their intention not to be bound by the same. Such notice may be given to said employes by posting the same in three conspicuous places in the shop, factory or place of employment.

SEC. 8. Whenever it shall come to the knowledge of said board, either by notice from the mayor of a city, the county commissioners, the president of a chamber of commerce or other representative body, the president of the central labor council or assembly, or any five reputable citizens, or otherwise, that what is commonly known as a strike or lockout is seriously threatened or has actually occurred, in any city or town of the state, involving an employer and his or its present or past employes, if at the time such employer is employing, or up to the occurrence of the strike or lockout was employing, not less than ten persons in the same general line of business in any city or town in this State, and said board shall be satisfied that such information is correct, it shall be the duty of said board, within three days thereafter, to put themselves in communication with such employer and employes and endeavor by mediation to effect an amicable settlement between them, or to persuade them to submit the matter in dispute to a local board of arbitration and concilia-

tion, as hereinafter provided, or to said state board, and the said State board may investigate the cause or causes of such controversy and ascertain which party thereto is mainly responsible for the continuance of the same, and may make and publish a report assigning such responsibility. The said board shall have the same powers for the foregoing purposes as are given them by sections three and four of this act.

SEC. 9. The parties to any controversy or difference, as specified in this act, may submit the matter in dispute in writing to a local board of arbitration and conciliation; such board may either be mutually agreed upon, or the employer may designate one of the arbiters, the employes or their duly authorized agent another, and the two arbiters so designated may choose a third, who shall also be chairman of the board. Each arbiter so selected shall sign a consent to act as such, and shall take and subscribe an oath before an officer authorized to administer oaths to faithfully and impartially discharge his duty as such arbiter, which consent and oath shall be filed in the office of the clerk of the district court of the county where such dispute arises. Such board shall, in respect to the matters submitted to them, have and exercise all the powers which the state board might have and exercise, and their decisions shall have whatever binding effect may be agreed to by the parties to the controversy in the written submission. Vacancies in such local boards may be filled in the same manner as the regular appointments are made. It shall be the duty of said state board to aid and assist in the formation of such local boards throughout the state in advance of any strike or lockout, whenever and wherever in their judgment the formation of such local boards will have a tendency to prevent or allay the occurrence thereof. The jurisdiction of such local boards shall be exclusive in respect to the matters submitted to them; but they may ask and receive the advice and assistance of the state board. The decisions of such local boards shall be rendered within ten days after the close of any hearing held before them; such decision shall at once be filed with the clerk of the district court of the county in which such controversy arose, and a copy thereof shall be forwarded to the state board.

SEC. 10. Each member of said State board shall receive as compensation five (\$5) dollars a day, including mileage, for each and every day actually employed in the performance of the duties provided for by this act; such compensation shall be

paid by the state treasurer on duly detailed vouchers approved by said board and by the governor.

SEC. 11. The said board, in their biennial reports to the legislature, shall include such statements, facts and explanations as will disclose the actual workings of the board and such suggestions with regard to legislation as may seem to them conducive to harmonizing the relations of and the disputes between employers and employes ; and the improvement of the present relations between labor and capital. Such biennial reports of the board shall be printed in the same manner and under the same regulations as the reports of the executive officers of the state.

SEC. 12. There is hereby annually appropriated out of any money in the state treasury not otherwise appropriated the sum of two thousand dollars, or so much thereof as may be necessary for the purposes of carrying out the provisions of this act.

SEC. 13. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 14. This act shall take effect and be in force from and after its passage. [*Approved April 25, 1895.*]

CONNECTICUT.

[CHAPTER CCXXXIX.]

An Act creating a State Board of Mediation and Arbitration.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

SECTION 1. During each biennial session of the general assembly, the governor shall, with the advice and consent of the senate, appoint a state board of mediation and arbitration, to consist of three competent persons, each of whom shall hold his office for the term of two years. One of said persons shall be selected from the party which at the last general election cast the greatest number of votes for governor of this state, and one of said persons shall be selected from the party which at the last general election cast the next greatest number of votes for governor of this state, and the other of said persons shall be selected from a *bona fide* labor organization of this state. Said board shall select one of its number to act as clerk or secretary, whose duty it shall be to keep a full and faithful record of the proceedings of the board, and also to keep

and preserve all documents and testimony submitted to said board; he shall have power under the direction of the Board, to issue subpœnas, and to administer oaths in all cases before said board, and to call for and examine the books, papers and documents of the parties to such cases. Said arbitrators shall take and subscribe to the constitutional oath of office before entering upon the discharge of their duties.

SEC. 2. Whenever any grievance or dispute of any nature shall arise between any employer and his employés, it shall be lawful for the parties to submit the same directly to the state board of mediation and arbitration, in case such parties elect to do so, and shall notify said board, or its clerk, in writing, of such election. Whenever such notification to said board or its clerk is given, it shall be the duty of said board to proceed, with as little delay as possible, to the locality of such grievance or dispute, and inquire into the cause or causes of the grievance or dispute. The parties to the grievance or dispute shall thereupon submit to said board, in writing, succinctly, clearly, and in detail, their grievances and complaints, and the cause or causes thereof, and severally promise and agree to continue in business, or at work, without a strike or lockout, until the decision of said board is rendered; *provided*, it shall be rendered within ten days after the completion of the investigation. The board shall thereupon proceed fully to investigate and inquire into the matters in controversy, and to take testimony under oath in relation thereto, and shall have power, by its chairman or clerk, to administer oaths, to issue subpœnas for the attendance of witnesses, and the production of books and papers.

SEC. 3. After a matter has been fully heard, the said board, or a majority of its members, shall, within ten days, render a decision thereon in writing, signed by the members of the board, or a majority of them, stating such details as will clearly show the nature of the decision and the points disposed of by said board. The decision shall be in triplicate, one copy of which shall be filed by the clerk of the board in the office of the town or city clerk in the town where the controversy arose, and one copy shall be served on each of the parties to the controversy.

SEC. 4. Whenever a strike or lockout shall occur, or is seriously threatened in any part of the state, and shall come to the knowledge of the board, it shall be its duty, and it is hereby directed to proceed, as soon as practicable, to the locality of

such strike or lockout and put itself in communication with the parties to the controversy, and endeavor by mediation to effect an amicable settlement of such strike or lockout; and, if in the judgment of said board it is best, it shall inquire into the cause or causes of the controversy, and to that end the board is hereby authorized to subpoena witnesses, and send for persons and papers.

SEC. 5. Said board shall, on or before the first day of December in each year, make a report to the Governor, and shall include therein such statements, facts, and explanations as will disclose the actual working of the board, and such suggestions as to legislation as may seem to it conducive to harmony in the relations between employers and employed, and to the improvement of the present system of production.

SEC. 6. Whenever the term "employer" or "employers" is used in this act it shall be held to include "firm," "joint-stock association," "company" or "corporation," as fully as if each of the last-named terms was expressed in each place.

SEC. 7. The members of the board shall receive as compensation for actual services rendered under this act, the sum of five dollars per day and expenses, upon presentation of their voucher to the comptroller, approved by the governor.

SEC. 8. This act shall take effect from its passage. [*Approved June 28, 1895.*]

ILLINOIS.

[SPECIAL SESSION.]

AN Act to create a State Board of Arbitration for the investigation or settlement of differences between employers and their employes, and to define the powers and duties of said board.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* As soon as this act shall take effect the Governor, by and with the advice and consent of the Senate, shall appoint three persons, not more than two of whom shall belong to the same political party, who shall be styled a State "Board of Arbitration," to serve as a State Board of Arbitration and Conciliation; one and only one of whom shall be an employer of labor, and one and only one of whom shall be an employé and shall be selected from some

labor organization. They shall hold office until March 1, 1897, or until their successors are appointed, but said board shall have no power to act as such until they and each of them are confirmed by the Senate. On the first day of March, 1897, the Governor, with the advice and consent of the Senate, shall appoint three persons as members of said board in the manner above provided, one to serve for one year, one for two years and one for three years, or until their respective successors are appointed, and on the first day of March in each year thereafter the Governor shall in the same manner appoint one member of said board to succeed the member whose term expires, and to serve for the term of three years, or until his successor is appointed. If a vacancy occurs at any time, the Governor shall in the same manner appoint some one to serve out the unexpired term. Each member of said board shall, before entering upon the duties of his office, be sworn to the faithful discharge thereof. The board shall at once organize by the choice of one of their number as chairman, and they shall, as soon as possible after such organization, establish suitable rules of procedure. The board shall have power to select and remove a secretary, who shall be a stenographer, and who shall receive a salary to be fixed by the board, not to exceed \$1,200 per annum and his necessary traveling expenses, on bills of items to be approved by the board, to be paid out of the State treasury.

§ 2. When any controversy or difference not involving questions which may be the subject of an action at law or a bill in equity, exists between an employer, whether an individual, co-partnership or corporation, employing not less than twenty-five persons, and his employes in this State, the board shall, upon application as herein provided, and as soon as practicable thereafter, visit the locality of the dispute and make a careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by both to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the board shall cause a copy thereof to be filed with the clerk of the city, town or village where said business is carried on.

§ 3. Said application shall be signed by said employer or by a majority of his employés in the department of the business in which the controversy or difference exists, or by both parties, and shall contain a concise statement of the grievances complained of and a promise to continue on in business or at work without any lockout or strike until the decision of said board, if it shall be made within three weeks of the date of filing said application. As soon as may be after the receipt of said application, the secretary of said board shall cause public notice to be given of the time and place for the hearing thereon, but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order, and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. The board shall have the power to summon as witness any operative, or expert in the departments of business affected and any person who keeps the records of wages earned in those departments, or any other person, and to examine them under oath, and to require the production of books containing the record of wages paid. The board shall have power to issue subpoenas, and oaths may be administered by the chairman of the board.

§ 4. Upon the receipt of such application, and after such notice, the board shall proceed as before provided, and render a written decision, which shall be open to public inspection, shall be recorded upon the records of the board and published at the discretion of the same in an annual report to be made to the Governor before the first day of March in each year.

§ 5. Said decision shall be binding upon the parties who join in said application for six months or until either party has given the other notice in writing of his or their intention not to be bound by the same at the expiration of sixty days therefrom. Said notice may be given to said employés by posting in three conspicuous places in the shop or factory where they work.

§ 6. Whenever it shall come to the knowledge of the State board that a strike or lockout is seriously threatened in the State, involving an employer and his employés, if he is employing not less than twenty-five persons, it shall be the duty of the State board to put itself in communication as soon as may be, with such employer or employés, and endeavor by

mediation to effect an amicable settlement between them, or to endeavor to persuade them to submit the matters in dispute to the State board.

§ 7. The members of the said board shall each receive a salary of \$1,500 a year, and necessary traveling expenses, to be paid out of the treasury of the State, upon bills of particulars approved by the Governor.

§ 8. Any notice or process issued by the State Board of Arbitration, shall be served by any sheriff, coronor or constable to whom the same may be directed or in whose hands the same may be placed for service.

§ 9. Whereas, an emergency exists, therefore it is enacted that this act shall take effect and be in force from and after its passage. [*Approved August 2, 1895.*]

U T A H .

[CHAPTER LXII.]

An Act to create a State Board of Labor, Conciliation and Arbitration, for the investigation and settlement of differences between Employers and their Employes, and to define the Powers and Duties of the said Board, and to fix their Compensation.

Be it enacted by the Legislature of the State of Utah :

SECTION 1. As soon as this act shall be approved, the Governor, by and with the consent of the Senate, shall appoint three persons, not more than two of whom shall belong to the same political party, who shall be styled a State Board of Labor, Conciliation and Arbitration, to serve as a State Board of Labor, Conciliation and Arbitration, one of whom and only one of whom shall be an employer of labor, and only one of whom shall be an employe, and the latter shall be selected from some labor organization, and the third shall be some person who is neither an employe nor an employer of manual labor, and who shall be chairman of the board. One to serve for one year, one for three years and one for five years as may be designated by the Governor at the time of their appointment, and at the expiration of their terms, their successors shall be appointed in like manner for the term of four years. If a vacancy occurs at any time, the Governor shall, in the same manner appoint some one to serve the unexpired term and until the ap-

pointment and qualification of his successor. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge thereof.

SEC. 2. The board shall at once organize by selecting from its members a secretary, and they shall, as soon as possible after such organization, establish suitable rules of procedure.

SEC. 3. When any controversy or difference, not involving questions which may be the subject of an action at law or bill in equity, exists between an employer (whether an individual, copartnership or corporation) employing not less than ten persons, and his employees, in this State, the board shall, upon application as herein provided, and as soon as practicable thereafter, visit the locality of the dispute, and make a careful inquiry into the cause thereof, hear all persons interested therein, who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute, and make a written decision thereof.

SEC. 4. This decision shall at once be made public, shall be recorded upon the proper book of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for.

SEC. 5. Said application shall be signed by said employer, or by a majority of his employees in the department of the business in which the controversy or difference exists, or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work without any lockout or strike until a decision of said board, if it shall be made within three weeks of the date of filing the said application.

SEC. 6. As soon as may be after receiving said application, the secretary of said board shall cause public notice to be given, of the time and place for the hearing thereon, but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order, and the board may at any stage of the proceedings, cause public notice, notwithstanding such request.

“SEC. 7. The board shall have the power to summon as witnesses by subpoena any operative or expert in the department

of business affected, and any person who keeps the records of wages earned in those departments, or any other person, and to administer oaths, and to examine said witnesses and to require the production of books, papers and records. In case of a disobedience to a subpoena the board may invoke the aid of any court in the State in requiring the attendance and testimony of witnesses and the production of books, papers and documents under the provisions of this section. Any of the district courts of the State, within the jurisdiction of which such inquiry is carried on, may, in case of contumacy or refusal to obey a subpoena issued to any such witness, issue an order requiring such witness to appear before said board and produce books and papers if so ordered, and give evidence touching the matter in question. Any refusal to obey such order of the court may be punished by such court as a contempt thereof."

SEC. 8. Upon the receipt of such application and after such notice, the board shall proceed as before provided and render a written decision, and the findings of the majority shall constitute the decision of the board, which decision shall be open to public inspection, shall be recorded upon the records of the board and published in an annual report to be made to the Governor before the first day of March in each year.

SEC. 9. Said decision shall be binding upon the parties who join in said application, or who have entered their appearance before said board, until either party has given the other notice in writing of his or their intention not to be bound by the same, and for a period of 90 days thereafter. Said notice may be given to said employees by posting in three conspicuous places where they work.

SEC. 10. Whenever it shall come to the knowledge of the State board that a strike or lockout is seriously threatened in the State involving any employer and his employees, if he is employing not less than ten persons, it shall be the duty of the State board to put itself into communication as soon may be, with such employer and employees, and endeavor by mediation to effect an amicable settlement between them and endeavor to persuade them to submit the matters in dispute to the State board.

SEC. 11. The members of said board shall each receive a per diem of three dollars for each day's service while actually engaged in the hearing of any controversy between any em-

ployer and his employees, and five cents per mile for each mile necessarily traveled in going to and returning from the place where engaged in hearing such controversy, the same to be paid by the parties to the controversy, appearing before said board, and the members of said board shall receive no compensation or expenses for any other service performed under this act.

SEC. 12. Any notice or process issued by the State Board of Arbitration shall be served by any sheriff, to whom the same may be directed, or in whose hands the same may be placed for service without charge. [*Approved March 24, 1896.*]

INDIANA.

[CHAPTER LXXXVIII.]

An Act providing for the creation of a Labor Commission, and defining its duties and powers, and providing for arbitrations and investigations of labor troubles. *Approved March 4, 1897.*

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That there shall be, and is hereby, created a commission to be composed of two electors of the State, which shall be designated the Labor Commission, and which shall be charged with the duties and vested with the powers hereinafter enumerated.

SEC. 2. The members of said Commission shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold office for two years and until their successors shall have been appointed and qualified. One of said Commissioners shall have been for not less than ten years of his life an employe for wages in some department of industry in which it is usual to employ a number of persons under single direction and control, and shall be at the time of his appointment affiliated with the labor interest as distinguished from the capitalist or employing interest. The other of said Commissioners shall have been for not less than ten years an employer of labor for wages in some department of industry in which it is usual to employ a number of persons under single direction and control, and shall be at the time of his appointment affiliated with the employing interest as distinguished from the labor interest. Neither of said Commissioners shall be less than forty

years of age; they shall not be members of the same political party, and neither of them shall hold any other State, county, or city office in Indiana during the term for which he shall be appointed. Each of said Commissioners shall take and subscribe an oath, to be endorsed upon his commission, to the effect that he will punctually, honestly, and faithfully discharge his duties as such Commissioner.

SEC. 3. Said Commission shall have a seal and shall be provided with an office at Indianapolis, and may appoint a Secretary who shall be a skillful stenographer and typewriter, and shall receive a salary of six hundred dollars per annum and his traveling expenses for every day spent by him in the discharge of duty away from Indianapolis.

SEC. 4. It shall be the duty of said Commissioners upon receiving creditable information in any manner of the existence of any strike, lockout, boycott, or other labor complication in this State affecting the labor or employment of fifty persons or more to go to the place where such complication exists, put themselves into communication with the parties to the controversy and offer their services as mediators between them. If they shall not succeed in effecting an amicable adjustment of the controversy in that way they shall endeavor to induce the parties to submit their differences to arbitration, either under the provisions of this act or otherwise, as they may elect.

SEC. 5. For the purpose of arbitration under this act, the Labor Commissioners and the Judge of the Circuit Court, of the county in which the business in relation to which the controversy shall arise, shall have been carried on shall constitute a Board of Arbitrators, to which may be added, if the parties so agree, two other members, one to be named by the employer and the other by the employees in the arbitration agreement. If the parties to the controversy are a railroad company and employees of the company engaged in the running of trains, any terminal within this State, of the road, or of any division thereof, may be taken and treated as the location of the business within the terms of this section for the purpose of giving jurisdiction to the Judge of the Circuit Court to act as a member of the Board of Arbitration.

SEC. 6. An agreement to enter into arbitration under this act shall be in writing and shall state the issue to be submitted and decided and shall have the effect of an agreement by the

parties to abide by and perform the award. Such agreement may be signed by the employer as an individual, firm or corporation, as the case may be, and execution of the agreement in the name of the employer by any agent or representative of such employer then and theretofore in control or management of the business or department of business in relation to which the controversy shall have arisen shall bind the employer. On the part of the employees, the agreement may be signed by them in their own person, not less than two-thirds of those concerned in the controversy signing, or it may be signed by a committee by them appointed. Such committee may be created by election at a meeting of the employees concerned in the controversy at which not less than two-thirds of all such employees shall be present, which election and the fact of the presence of the required number of employees at the meeting shall be evidenced by the affidavit of the chairman and secretary of such meeting attached to the arbitration agreement. If the employees concerned in the controversy, or any of them, shall be members of any labor union or workingmen's society, they may be represented in the execution of said arbitration agreement by officers or committeemen of the union or society designated by it in any manner conformable to its usual methods of transacting business, and others of the employees represented by committee as hereinbefore provided.

SEC. 7. If upon any occasion calling for the presence and intervention of the Labor Commissioners under the provisions of this act, one of said Commissioners shall be present and the other absent, the Judge of the Circuit Court of the county in which the dispute shall have arisen, as defined in section 5, shall upon the application of the Commissioners present, appoint a Commissioner *pro tem.* in the place of the absent Commissioner, and such Commissioner *pro tem.* shall exercise all the powers of a Commissioner under this act until the termination of the duties of the Commission with respect to the particular controversy upon the occasion of which the appointment shall have been made, and shall receive the same pay and allowances provided by this act for the other commissioners. Such Commissioner *pro tem.* shall represent and be affiliated with the same interests as the absent Commissioner.

SEC. 8. Before entering upon their duties the arbitrators shall take and subscribe an oath or affirmation to the effect that

they will honestly and impartially perform their duties as arbitrators and a just and fair award render to the best of their ability. The sittings of the arbitrators shall be in the court room of the Circuit Court, or such other place as shall be provided by the County Commissioners of the county in which the hearing is had. The Circuit Judge shall be the presiding member of the Board. He shall have power to issue subpoenas for witnesses who do not appear voluntarily, directed to the Sheriff of the county, whose duty it shall be to serve the same without delay. He shall have power to administer oaths and affirmations to witnesses, enforce order, and direct and control the examinations. The proceedings shall be informal in character, but in general accordance with the practice governing the Circuit Courts in the trial of civil causes. All questions of practice, or questions relating to the admission of evidence shall be decided by the presiding member of the Board summarily and without extended argument. The sittings shall be open and public, or with closed doors, as the Board shall direct. If five members are sitting as such Board three members of the Board agreeing shall have power to make an award, otherwise, two. The Secretary of the Commission shall attend the sittings and make a record of the proceedings in shorthand, but shall transcribe so much thereof only as the Commission shall direct.

SEC. 9. The arbitrators shall make their award in writing and deliver the same with the arbitration agreement and their oath as arbitrators to the Clerk of the Circuit Court of the county in which the hearing was had, and deliver a copy of the award to the employer, and a copy to the first signer of the arbitration agreement on the part of the employees. A copy of all the papers shall also be preserved in the office of the Commission at Indianapolis.

SEC. 10. The Clerk of the Circuit Court shall record the papers delivered to him as directed in the last preceding section, in the order book of the Circuit Court. Any person who was a party to the arbitration proceedings may present to the Circuit Court of the county in which the hearing was had, or the Judge thereof in vacation, a verified petition referring to the proceedings and the record of them in the order book and showing that said award has not been complied with, stating by whom and in what respect it has been disobeyed. And thereupon the Court or Judge thereof in vacation shall grant a rule against the party

or parties so charged, to show cause within five days why said award has not been obeyed, which shall be served by the Sheriff as other process. Upon return made to the rule the Judge or Court if in session, shall hear and determine the questions presented and made such order or orders directed to the parties before him *in personam*, as shall give just effect to the award. Disobedience by any party to such proceedings of any order so made shall be deemed a contempt of the court and may be punished accordingly. But such punishment shall not extend to imprisonment except in case of wilful and contumacious disobedience. In all proceedings under this section the award shall be regarded as presumptively binding upon the employer and all employes who were parties to the controversy submitted to arbitration, which presumption shall be overcome only by proof of dissent from the submission delivered to the arbitrators, or one of them, in writing before the commencement of the hearing.

SEC. 11. The Labor Commission, with the advise and assistance of the Attorney-General of the State, which he is hereby required to render, may make rules and regulations respecting proceedings in arbitrations under this act not inconsistent with this act or the law, including forms, and cause the same to be printed and furnished to all persons applying therefor, and all arbitration proceedings under this act shall thereafter conform to such rules and regulations.

SEC. 12. Any employer and his employes, not less than twenty-five in number, between whom differences exist which have not resulted in any open rupture or strike, may of their own motion apply to the Labor Commission for arbitration of their differences, and upon the execution of an arbitration agreement as hereinbefore provided, a Board of Arbitrators shall be organized in the manner hereinbefore provided, and the arbitration shall take place and the award be rendered, recorded and enforced in the same manner as in arbitrations under the provisions found in the preceding sections of this act.

SEC. 13. In all cases arising under this act requiring the attendance of a Judge of the Circuit Court as a member of an Arbitration Board, such duty shall have precedence over any other business pending in his court, and if necessary for the prompt transaction of such other business it shall be his duty to appoint some other Circuit Judge, or Judge of a Superior or the Appellate or Supreme Court to sit in the Circuit Court in his

place during the pendency of such arbitration, and such appointee shall receive the same compensation for his services as is now allowed by law to Judges appointed to sit in case of change of Judge in civil actions. In case the Judge of the Circuit Court, whose duty it shall become under this act to sit upon any Board of Arbitrators, shall be at the time actually engaged in a trial which can not be interrupted without loss and injury to the parties, and which will in his opinion continue for more than three days to come, or is disabled from acting by sickness or otherwise, it shall be the duty of such Judge to call in and appoint some other Circuit Judge, or some Judge of a Superior Court, or the Appellate or Supreme Court, to sit upon such Board of Arbitrators, and such appointed Judge shall have the same power and perform the same duties as member of the Board of Arbitration as are by this act vested in and charged upon the Circuit Judge regularly sitting, and he shall receive the same compensation now provided by law to a Judge sitting by appointment upon a change of Judge in civil cases, to be paid in the same way.

SEC. 14. If the parties to any such labor controversy as is defined in section 4 of this act shall have failed at the end of five days after the first communication of said Labor Commission with them to adjust their differences amicably, or to agree to submit the same to arbitration, it shall be the duty of the Labor Commission to proceed at once to investigate the facts attending the disagreement. In this investigation the Commission shall be entitled, upon request, to the presence and assistance of the Attorney-General of the State, in person or by deputy, whose duty it is hereby made to attend without delay, upon request by letter or telegram from the Commission. For the purpose of such investigation the Commission shall have power to issue subpoenas, and each of the Commissioners shall have power to administer oaths and affirmations. Such subpoena shall be under the seal of the Commission and signed by the Secretary of the Commission, or a member of it, and shall command the attendance of the person or persons named in it at a time and place named, which subpoena may be served and returned as other process by any Sheriff or Constable in the State. In case of disobedience of any such subpoena, or the refusal of any witness to testify, the Circuit Court of the county within which the subpoena was issued, or the Judge thereof in vacation,

shall, upon the application of the Labor Commission, grant a rule against the disobeying person or persons, or the person refusing to testify, to show cause forthwith why he or they should not obey such subpoena, or testify as required by the Commission, or be adjudged guilty of contempt, and in such proceedings such court, or the Judge thereof in vacation, shall be empowered to compel obedience to such subpoena as in the case of subpoena issued under the order and by authority of the court, or to compel a witness to testify as witnesses in court are compelled to testify. But no person shall be required to attend as a witness at any place outside the county of his residence. Witnesses called by the Labor Commission under this section shall be paid \$1.00 per diem fees out of the expense fund provided by this act, if such payment is claimed at the time of their examination.

SEC. 15. Upon the completion of the investigation authorized by the last preceding section, the Labor Commission shall forthwith report the facts thereby disclosed affecting the merits of the controversy in succinct and condensed form to the Governor, who, unless he shall perceive good reason to the contrary, shall at once authorize such report to be given out for publication. And as soon thereafter as practicable, such report shall be printed under the direction of the Commission and a copy shall be supplied to any one requesting the same.

SEC. 16. Any employer shall be entitled, in his response to the inquiries made of him by the Commission in the investigation provided for in the two last preceding sections, to submit in writing to the Commission, a statement of any facts material to the inquiry, the publication of which would be likely to be injurious to his business, and the facts so stated shall be taken and held as confidential, and shall not be disclosed in the report or otherwise.

SEC. 17. Said Commissioners shall receive a compensation of ten dollars each per diem for the time actually expended, and actual and necessary traveling expenses while absent from home in the performance of duty, and each of the two members of a Board of Arbitration chosen by the parties under the provisions of this act shall receive the same compensation for the days occupied in service upon the Board. The Attorney-General, or his deputy, shall receive his necessary and actual traveling expenses while absent from home in the service of the Commission. Such

compensation and expenses shall be paid by the Treasurer of State upon warrants drawn by the Auditor upon itemized and verified accounts of time spent and expenses paid. All such accounts, except those of the Commissioners, shall be certified as correct by the Commissioners, or one of them, and the accounts of the Commissioners shall be certified by the Secretary of the Commission. It is hereby declared to be the policy of this act that the arbitrations and investigations provided for in it shall be conducted with all reasonable promptness and dispatch, and no member of any Board of Arbitration shall be allowed payment for more than fifteen days' service in any one arbitration, and no Commissioner shall be allowed payment for more than ten days' service in the making of the investigation provided for in section 14 and sections following.

SEC. 18. For the payment of the salary of the Secretary of the Commission, the compensation of the Commissioners and other arbitrators, the traveling and hotel expenses herein authorized to be paid, and for witness fees, printing, stationery, postage, telegrams and office expenses there is hereby appropriated out of any money in the Treasury not otherwise appropriated, the sum of five thousand dollars for the year 1897 and five thousand dollars for the year 1898.

IDAHO.

The following bill, having remained with the governor more than ten secular days after the legislature adjourned, became a law March 20, 1897.

An Act to provide for a State Board of Arbitration, for the Settlement of Differences between Employees and their Employers and to provide for Local Boards of Arbitration subordinate thereto.

Be it enacted by the Legislature of the State of Idaho :

SECTION 1. The Governor, with the advice and consent of the Senate, shall, on or before the fourth day of March, eighteen hundred and ninety-seven, appoint three competent persons to serve as a State board of Arbitration and Conciliation in the manner hereinafter provided. One of them shall be an employer or selected from some association representing employers of labor; one of them shall be selected from some labor organization and not an employer of labor; the third shall

be appointed upon the recommendation of the other two; *Provided, however*, That if the two appointed do not agree on the third man at the expiration of thirty days, he shall then be appointed by the Governor. On or before the fourth day of March, eighteen hundred and ninety-seven, the Governor, with the advice and consent of the Senate, shall appoint three members of said board in the manner above provided; one to serve for six years; one for four years; and one for two years; or until their respective successors are appointed; and on or before the fourth day of March of each year during which the legislature of this State is in its regular biennial session thereafter, the Governor shall in the same manner appoint one member of said board to succeed the member whose term then expires and to serve for the term of six years or until his successor is appointed. If a vacancy occurs at any time, the Governor shall in the same manner appoint some one to serve out the unexpired term; and he may in like manner remove any member of said board. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge thereof. They shall at once organize by the choice of one of their members as chairman. Said board shall choose one of its members as secretary and may also appoint and remove a clerk of the board, who shall receive pay only for time during which his services are actually required and that at a rate of not more than four dollars per day during such time as he may be employed.

SEC. 2. The board shall, as soon as possible after its organization, establish such rules of procedure as shall be approved by the Governor and Senate.

SEC. 3. Whenever any controversy or difference, not involving questions which may be the subject of a suit at law or bill in equity, exists between an employer, whether an individual, co-partnership or corporation, and his employees if at the time he employs not less than twenty-five persons in the same general line of business in any city or town or village or county in this State, the board shall upon application as hereinafter provided, and as soon as practicable thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute, and make a written decision thereof. This decision shall at once be made

public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the said board shall cause a copy thereof to be filed with the County Recorder of the county where such business is carried on.

SEC. 4. Said application shall be signed by said employer or by a majority of his employees in the department of the business in which the controversy or difference exists, or their duly authorized agent or by both parties and shall contain a concise statement of the grievance complained of, and a promise to continue in the business or at work without any lockout or strike until the decision of said board if it shall be made in three weeks of the date of filing said application, when an application is signed by an agent claiming to represent a majority of such employees, the board shall satisfy itself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving such authority shall be kept secret by said board. As soon as may be after the receipt of said application, the secretary of said board shall cause public notice to be given of the time and place for the hearing thereof; but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request be made, notice shall be given to the parties interested in such manner as the board may order and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. Should the petitioner or petitioners fail to perform the promise made in said application, the board shall proceed no further thereupon without the written consent of the adverse party. The board shall have the power to summons as witness any operative in the departments of business affected, and any person, who keeps the records of wages earned in those departments and to examine them under oath and to require the production of books containing the record of wages paid. Summons may be signed and oaths administered by any member of the board.

SEC. 5: Upon the receipt of such application and after such notice, the board shall proceed as before provided and render a written decision which shall be open to public inspection shall be recorded upon the records of the board and published at the discretion of the same, in an annual report to be made to the

Governor of the State on or before the first day of February of each year.

SEC. 6. Said decision shall be binding upon the parties who join in said application for six months, or until either party has given the other notice in writing of his intention not to be bound by the same at the expiration of sixty days therefrom. Said notice may be given to said employees by posting the same in three conspicuous places in the shop or factory, mill or at the mine where they work or are employed.

SEC. 7. The parties to any controversy or difference as described in Section 3 of this act may submit the matters in dispute, in writing to a local board of arbitration and conciliation, such board may either be mutually agreed upon, or the employer may designate one of the arbitrators, the employees or their duly authorized agent, another, and the two arbitrators so designated may choose a third, who shall be chairman of the board.

Such board shall, in respect to the matters referred to it, have and exercise all the powers which the state board might have and exercise, and its decision shall have whatever binding effect may be agreed by the parties to the controversy in the written submission.

The jurisdiction of such board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the state board. The decision of such board shall be rendered within ten days of the close of any hearing held by it; such decision shall at once be filed with the recorder of the county in which the controversy or difference arose, and a copy thereof shall be forwarded to the state board. Each of such arbitrators shall be entitled to receive from the treasury of the county in which the controversy or difference that is the subject of the arbitration exists, if such payment is approved in writing by the board of commissioners of such county, the sum of three dollars for each day of actual service, not exceeding ten days for any one arbitration, whenever it is made to appear to the mayor of a city or the board of commissioners of a county that a strike or lockout such as described in Section 8 of this act is seriously threatened or actually occurs, the mayor of such city or the board of commissioners of such county shall at once notify the state board of the facts.

SEC. 8. Whenever it shall come to the knowledge of the state board, either by notice from the mayor of a city or the

board of commissioners of a county, as provided in the preceding section or otherwise, that a strike or lockout is seriously threatened or has actually occurred in any county or town of the State, involving an employer and his present or past employees, if at the time he is employing, or up to the occurrence of the strike or lockout was employing not less than twenty-five persons in the same general line of business in any county or town in the State, it shall be the duty of the State board to put itself in communication as soon as may be with such employer, and employees, and endeavor by mediation to effect an amicable settlement between them, or to endeavor to persuade them; *Provided*, That a strike or lockout has not actually occurred or is not then continuing, to submit the matters in dispute to a local board of arbitration and conciliation, as above provided, or to the State board; and said State board may, if it deems it advisable, investigate the cause or causes of such controversy, and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given it by Section 3 of this act.

SEC. 9. Witnesses summoned by the State board shall be allowed the sum of fifty cents for each attendance, and the sum of twenty-five cents for each hour of attendance in excess of two hours, and shall be allowed five cents, a mile for travel each way from their respective places of employment or business to the place where the board is in session. Each witness shall certify in writing the amount of his travel and attendance, and the amount due him shall be paid forthwith by the board, and for such purpose the board shall be entitled to draw from the treasury of the State for the payment thereof any of the unappropriated moneys of the State.

SEC. 10. The members of said state board shall be paid six dollars per day for each day that they are actually engaged in the performance of their duties, to be paid out of the treasury of the State, and they shall be allowed their necessary traveling and other expenses, which shall be paid out of the treasury of the State.

COLORADO.

[CHAPTER 2 OF THE SESSION LAWS OF 1897. *Approved March 31.*]

An Act creating a State and local Boards of Arbitration and providing for the adjustment of differences between Employers and Employes and defining the powers and duties thereof and making an appropriation therefor.

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. There shall be established a State Board of Arbitration consisting of three members, which shall be charged, among other duties provided by this Act, with the consideration and settlement by means of arbitration, conciliation and adjustment, when possible, of strikes, lockouts and labor or wage controversies arising between employers and employes.

SECTION 2. Immediately after the passage of this Act the Governor shall appoint a State Board of Arbitration, consisting of three qualified resident citizens of the State of Colorado and above the age of thirty years. One of the members of said Board shall be selected from the ranks of active members of bona fide labor organizations of the State of Colorado, and one shall be selected from active employers of labor or from organizations representing employers of labor. The third member of the Board shall be appointed by the Governor from a list which shall not consist of more than six names selected from entirely disinterested ranks submitted by the two members of the Board above designated. If any vacancy should occur in said Board, the Governor shall, in the same manner, appoint an eligible citizen for the remainder of the term, as herein before provided.

SECTION 3. The third member of said Board shall be Secretary thereof, whose duty it shall be, in addition to his duties as a member of the Board, to keep a full and faithful record of the proceedings of the Board and perform such clerical work as may be necessary for a concise statement of all official business that may be transacted. He shall be the custodian of all documents and testimony of an official character relating to the business of the Board ; and shall also have, under direction of a majority of the Board, power to issue subpoenas, to administer oaths to witnesses cited before the Board, to call for and examine books, papers and documents necessary for examination in

the adjustment of labor differences, with the same authority to enforce their production as is possessed by courts of record or the judges thereof in this State.

SECTION 4. Said members of the Board of Arbitration shall take and subscribe the constitutional oath of office, and be sworn to the due and faithful performance of the duties of their respective offices before entering upon the discharge of the same. The Secretary of State shall set apart and furnish an office in the State Capitol for the proper and convenient transaction of the business of said Board.

SECTION 5. Whenever any grievance or dispute of any nature shall arise between employer and employes, it shall be lawful for the parties to submit the same directly to said Board, in case such parties elect to do so, and shall jointly notify said Board or its Clerk in writing of such desire. Whenever such notification is given it shall be the duty of said Board to proceed with as little delay as possible to the locality of such grievance or dispute, and inquire into the cause or causes of such grievance or dispute. The parties to the grievance or dispute shall thereupon submit to said Board in writing, clearly and in detail, their grievances and complaints and the cause or causes therefor, and severally agree in writing to submit to the decision of said Board as to the matters so submitted, promising and agreeing to continue on in business or at work, without a lockout or strike until the decision is rendered by the Board, provided such decision shall be given within ten days after the completion of the investigation. The Board shall thereupon proceed to fully investigate and inquire into the matters in controversy and to take testimony under oath in relation thereto; and shall have power under its Chairman or Clerk to administer oaths, to issue subpoenas for the attendance of witnesses, the production of books and papers in like manner and with the same powers as provided for in Section 3 of this Act.

SECTION 6. After the matter has been fully heard, the said Board, or a majority of its members, shall, within ten days, render a decision thereon in writing, signed by them or a majority of them, stating such details as will clearly show the nature of the decision and the points disposed of by them. The Clerk of said Board shall file four copies of such decision, one with the Secretary of State, a copy served to each of the parties to the controversy, and one copy retained by the Board.

SECTION 7. Whenever a strike or lockout shall occur or seriously threaten in any part of the State, and shall come to the knowledge of the members of the Board, or any one thereof by a written notice from either of the parties to such threatened strike or lockout, or from the Mayor or Clerk of the city or town, or from the Justice of the Peace of the district where such strike or lockout is threatened, it shall be their duty, and they are hereby directed, to proceed as soon as practicable to the locality of such strike or lockout and put themselves in communication with the parties to the controversy and endeavor by mediation to affect an amicable settlement of such controversy, and, if in their judgment it is deemed best, to inquire into the cause or causes of the controversy: and to that end the Board is hereby authorized to subpoena witnesses, compel their attendance, and send for persons and papers in like manner and with the same powers as it is authorized by Section 3 of this Act.

SECTION 8. The fees of witnesses before said Board of Arbitration shall be two dollars (\$2.00) for each day's attendance, and five (5) cents per mile over the nearest traveled routes in going to and returning from the place where attendance is required by the Board. All subpoenas shall be signed by the Secretary of the Board and may be served by any person of legal age authorized by the Board to serve the same.

SECTION 9. The parties to any controversy or difference as described in Section 5 of this Act may submit the matters in dispute in writing to a local Board of Arbitration and conciliation; said Board may either be mutually agreed upon or the employer may designate one of such arbitrators, the employes or their duly authorized agent another, and the two arbitrators so designated may choose a third who shall be Chairman of such local Board; such Board shall in respect to the matters referred to it have and exercise all the powers which the State Board might have and exercise, and its decision shall have such binding effect as may be agreed upon by the parties to the controversy in the written submission. The jurisdiction of such local Board shall be exclusive in respect to the matter submitted by it, but it may ask and receive the advice and assistance of the State Board. Such local Board shall render its decision in writing, within ten days after the close of any hearing held by it, and shall file a copy thereof with the Secretary of the State

Board. Each of such local arbitrators shall be entitled to receive from the Treasurer of the city, village or town in which the controversy or difference that is the subject of arbitration exists, if such payment is approved by the Mayor of such city, the Board of Trustees of such village, or the Town Board of such town, the sum of three dollars for each day of actual service not exceeding ten days for any one arbitration: Provided, that when such hearing is held at some point having no organized town or city government, in such case the costs of such hearing shall be paid jointly by the parties to the controversy: Provided further that in the event of any local Board of Arbitration or a majority thereof failing to agree within ten (10) days after any case being placed in their hands, the State Board shall be called upon to take charge of said case as provided by this Act.

SECTION 10. Said State Board shall report to the Governor annually, on or before the fifteenth day of November in each year, the work of the Board, which shall include a concise statement of all cases coming before the Board for adjustment.

SECTION 11. The Secretary of State shall be authorized and instructed to have printed for circulation one thousand (1,000) copies of the report of the Secretary of the Board, provided the volume shall not exceed four hundred (400) pages.

SECTION 12. Two members of the Board of Arbitration shall each receive the sum of five hundred dollars (\$500) annually, and shall be allowed all money actually and necessarily expended for traveling and other necessary expenses while in the performance of the duties of their office. The member herein designated to be the Secretary of the Board shall receive a salary of twelve hundred dollars (\$1,200) per annum. The salaries of the members shall be paid in monthly instalments by the State Treasurer upon the warrants issued by the Auditor of the State. The other expenses of the Board shall be paid in like manner upon approved vouchers signed by the Chairman of the Board of Arbitration and the Secretary thereof.

SECTION 13. The terms of office of the members of the Board shall be as follows: That of the members who are to be selected from the ranks of labor organizations and from the active employers of labor shall be for two years, and thereafter every two years the Governor shall appoint one from each class for the period of two years. The third member of the Board shall

be appointed as herein provided every two years. The Governor shall have power to remove any members of said Board for cause and fill any vacancy occasioned thereby.

SECTION 14. For the purpose of carrying out the provisions of this Act there is hereby appropriated out of the General Revenue Fund the sum of seven thousand dollars for the fiscal years 1897 and 1898, only one-half of which shall be used in each year, or so much thereof as may be necessary, and not otherwise appropriated.

SECTION 15. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

WYOMING.

Wyoming was admitted to the Union on July 11, 1890. Article 5 of the Constitution has the following provisions for the arbitration of labor disputes:

SECTION 28. The legislature shall establish courts of arbitration, whose duty it shall be to hear, and determine all differences, and controversies between organizations or associations of laborers, and their employers, which shall be submitted to them in such manner as the legislature may provide.

SECTION 30. Appeals from decisions of compulsory boards of arbitration shall be allowed to the supreme court of the state, and the manner of taking such appeals shall be prescribed by law.

MARYLAND.

An Act to provide for the reference of disputes between employers and employees to arbitration.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That whenever any controversy shall arise between any corporation incorporated by this State in which this State may be interested as a stockholder or creditor, and any persons in the employment or service of such corporation, which, in the opinion of the Board of Public Works, shall tend to impair the usefulness or prosperity of such corporation, the said Board of Public Works shall have power to demand and receive a statement of

the grounds of said controversy from the parties to the same; and if, in their judgment, there shall be occasion so to do, they shall have the right to propose to the parties to said controversy, or to any of them, that the same shall be settled by arbitration; and if the opposing parties to said controversy shall consent and agree to said arbitration, it shall be the duty of said Board of Public Works to provide in due form for the submission of the said controversy to arbitration, in such manner that the same may be finally settled and determined; but if the said corporation or the said person in its employment or service, so engaged in controversy with the said corporation, shall refuse to submit to such arbitration, it shall be the duty of the said Board of Public Works to examine into and ascertain the cause of said controversy, and report the same to the next General Assembly.

SEC. 2. *And be it enacted*, That all subjects of dispute arising between corporations, and any person in their employment or service, and all subjects of dispute between employers and employees, employed by them in any trade or manufacture, may be settled and adjusted in the manner heretofore mentioned.

SEC. 3. *And be it further enacted*, That whenever such subjects of dispute shall arise as aforesaid, it shall be lawful for either party to the same to demand and have an arbitration or reference thereof in the manner following, that is to say: Where the party complaining and the party complained of shall come before, or agree by any writing under their hands, to abide by the determination of any judge or justice of the peace, it shall and may be lawful for such judge or justice of the peace to hear and finally determine in a summary manner the matter in dispute between such parties; but if such parties shall not come before, or so agree to abide by the determination of such judge or justice of the peace, but shall agree to submit their said cause of dispute to arbitrators appointed under the provisions of this act, then it shall be lawful for any such judge or justice of the peace, and such judge or justice of the peace is hereby required, on complaint made before him, and proof that such agreement for arbitration has been entered into, to appoint arbitrators for settling the matters in dispute, and such judge or justice of the peace shall then and there propose not less than two nor more than four persons, one-half of whom shall be employers and the other half employees, acceptable to the parties to the dispute, respectively, who, together with such

judge or justice of the peace, shall have full power finally to hear and determine such dispute.

SEC. 4. *And be it further enacted*, That in all such cases of dispute as aforesaid, as in all other cases, if the parties mutually agree that the matter in dispute shall be arbitrated and determined in a different mode to the one hereby prescribed, such agreement shall be valid, and the award and determination thereon by either mode of arbitration shall be final and conclusive between the parties.

SEC. 5. *And be it further enacted*, That it shall be lawful in all cases for an employer or employee, by writing under his hand, to authorize any person to act for him in submitting to arbitration and attending the same.

SEC. 6. *And be it further enacted*, That every determination of dispute by any judge or justice of the peace shall be given as a judgment of the court over which said judge presides, and of the justice of the peace determining the same; and the said judge or justice of the peace shall award execution thereon as upon verdict, confession or nonsuit; and every award made by arbitrators appointed by any judge or justice of the peace under these provisions of this statute, shall be returned by said arbitrator to the judge or justice of the peace by whom they were appointed; and said judge or justice of the peace shall enter the same as an amicable action between the parties to the same in the court presided over by said judge or justice of the peace, with the same effect as if said action had been regularly commenced in said court by due process of law, and shall thereupon become a judgment of said court, and execution thereon shall be awarded as upon verdict, confession or nonsuit; in the manner provided in article seven of the Public General Laws of Maryland; and in all proceedings under this act, whether before a judge or justice of the peace, or arbitrators, costs shall be taxed as are now allowed by law in similar proceedings, and the same shall be paid equally by the parties to the dispute; such award shall remain four days in court during its sitting, after the return thereof, before any judgment shall be entered thereon; and if it shall appear to the court within that time that the same was obtained by fraud or malpractice in or by surprise, imposition or deception of the arbitrators, or without due notice to the parties or their attorneys, the court may set aside such award and refuse to give judgment thereon. [Approved April 1, 1878.]

KANSAS.**An Act to establish boards of arbitration, and defining their powers and duties.**

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the district court of each county, or a judge thereof in vacation, shall have the power, and upon the presentation of a petition as hereinafter provided it shall be the duty, of said court or judge to issue a license or authority for the establishment within and for any county within the jurisdiction of said court, of a tribunal for voluntary arbitration and settlements of disputes between employers and employed in the manufacturing, mechanical, mining and other industries.

SEC. 2. The said petition shall be substantially in the form hereinafter given, and the petition shall be signed by at least five persons employed as workmen, or by two or more separate firms, individuals, or corporations within the county who are employers within the county: *Provided*, That at the time the petition is presented, the judge before whom said petition is presented may, upon motion, require testimony to be taken as to the representative character of said petitioners, and if it appears that the requisite number of said petitioners are not of the character they represent themselves to be, the establishment of the said tribunal may be denied, or he may make such other order in that behalf as shall to him seem fair to both sides.

SEC. 3. If the said petition shall be signed by the requisite number of either employers or workmen, and be in proper form, the judge shall forthwith cause to be issued a license, authorizing the existence of such a tribunal and containing the names of four persons to compose the tribunal, two of whom shall be workmen and two employers, all residents of said county, and fixing the time and place of the first meeting thereof; and an entry of the license so granted shall be made upon the journal of the district court of the county in which the petition originated.

SEC. 4. Said tribunal shall continue in existence for one year, from the date of the license creating it, and may take jurisdiction of any dispute between employers and workmen in any mechanical, manufacturing, mining, or other industry, who may submit their disputes in writing to such tribunal for decision.

Vacancies occurring in the membership of the tribunal shall be filled by the judge or court that licensed said tribunal. Disputes occurring in one county may be referred to a tribunal already existing in an adjoining county. Said court at the time of the issuance of said license shall appoint an umpire for said tribunal, who shall be sworn to impartially decide all questions that may be submitted to him during his term of office. The umpire shall be called upon to act after disagreement is manifested in the tribunal by failure to agree during three meetings held and full discussion had. His award shall be final and conclusive upon such matters only as are submitted to him in writing and signed by the whole of the members of the tribunal, or by parties submitting the same. And the award of said tribunal shall be final and conclusive upon the questions so submitted to it: *Provided*, That said award may be impeached for fraud, accident or mistake.

SEC. 5. The said tribunal when convened shall be organized by the selection of one of their number as chairman, and one as secretary, who shall be chosen by a majority of the members.

SEC. 6. The members of the tribunal and the umpire shall each receive as compensation for their services, out of the treasury of the county in which said dispute shall arise, two dollars for each day of actual service. The sessions of said tribunal shall be held at the county seat of the county where the petition for the same was presented, and a suitable room for the use of said tribunal shall be provided by the county commissioners.

SEC. 7. All submissions of matters in dispute shall be made to the chairman of said tribunal, who shall file the same. The chairman of the tribunal shall have power to administer oaths to all witnesses who may be produced, and a majority of said tribunal may provide for the examination and investigation of books, documents and accounts necessary, material, and pertaining to the matters in hearing before the tribunal, and belonging to either party to the dispute. The umpire shall have power when necessary to administer oaths and examine witnesses, and examine and investigate books, documents and accounts pertaining to the matters submitted to him for decision.

SEC. 8. The said tribunal shall have power to make, ordain and enforce rules for the government of the body, when in session, to enable the business to be proceeded with in order, and to fix its sessions and adjournments; but such rules shall not

conflict with this statute nor with any of the provisions of the constitution and laws of the state: *Provided*, That the chairman of said tribunal may convene said tribunal in extra session at the earliest day possible, in cases of emergency.

SEC. 9. Before the umpire shall proceed to act, the question or questions in dispute shall be plainly defined in writing and signed by the members of the tribunal or a majority thereof, or by the parties submitting the same; and such writing shall contain the submission of the decision thereof to the umpire by name, and shall provide that his decision thereon after hearing shall be final; and said umpire must make his award within five days from the time the question or questions in dispute are submitted to him. Said award shall be made to the tribunal; and if the award is for a specific sum of money, said award of money, or the award of the tribunal, when it shall be for a specific sum, may be made a matter of record by filing a copy thereof in the district court of the county wherein the tribunal is in session. When so entered of record it shall be final and conclusive, and the proper court may on motion of anyone interested, enter judgment thereon; and when the award is for a specific sum of money may issue final and other process to enforce the same: *Provided*, That any such award may be impeached for fraud, accident, or mistake.

SEC. 10. The form of the petition praying for a tribunal under this act shall be as follows:—

To the District Court of County (or a judge thereof, as the case may be): The subscribers hereto being the number and having the qualifications required in this proceeding, being desirous of establishing a tribunal of voluntary arbitration for the settlement of disputes in the manufacturing, mechanical, mining and other industries, pray that a license for a tribunal of voluntary arbitration may be issued, to be composed of four persons and an umpire, as provided by law.

SEC. 11. This act to be in force and take effect from and after its publication in the official state paper. [*Published February 25, 1886.*]

I O W A .

**An Act to Authorize the Creation and to Provide for the
Operation of Tribunals of Voluntary Arbitration to
Adjust Industrial Disputes between Employers and
Employed.**

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the district court of each county, or a judge thereof in vacation, shall have power, and upon the presentation of a petition, or of the agreement hereinafter named, it shall be the duty of said court, or a judge thereof in vacation, to issue in the form hereinafter named, a license or authority for the establishment within and for each county of tribunals for voluntary arbitration and settlement of disputes between employers and employed in the manufacturing, mechanical or mining industries.

SEC. 2. The said petition or agreement shall be substantially in the form hereinafter given, and the petition shall be signed by at least twenty persons employed as workmen, and by four or more separate firms, individuals, or corporations within the county, or by at least four employers, each of whom shall employ at least five workmen, or by the representative of a firm, corporation or individual employing not less than twenty men in their trade or industry; *provided*, that at the time the petition is presented, the judge before whom said petition is presented may, upon motion require testimony to be taken as to the representative character of said petitioners, and if it appears that said petitioners do not represent the will of a majority, or at least one-half of each party to the dispute, the license for the establishment of said tribunal may be denied, or may make such other order in this behalf as to him shall seem fair to both sides.

SEC. 3. If the said petition shall be signed by the requisite number of both employers and workmen, and be in proper form and contain the names of the persons to compose the tribunal, being an equal number of employers and workmen, the judge shall forthwith cause to be issued a license substantially in the form hereinafter given, authorizing the existence of such tribu-

nal and fixing the time and place of the first meeting thereof, and an entry of the license so granted shall be made upon the journal of the district court of the county in which the petition originated.

SEC. 4. Said tribunal shall continue in existence for one year from date of the license creating it, and may take jurisdiction of any dispute between employers and workmen in any mechanical, manufacturing, or mining industry, or business, who shall have petitioned for the tribunal, or have been represented in the petition therefor, or who may submit their disputes in writing to such tribunal for decision. Vacancies occurring in the membership of the tribunal shall be filled by the judge or court that licensed said tribunal, from three names, presented by the members of the tribunal remaining in that class, in which the vacancies occur. The removal of any member to an adjoining county, shall not cause a vacancy in either the tribunal or post of umpire. Disputes occurring in one county may be referred to a tribunal already existing in an adjoining county. The place of umpire in any of said tribunals and vacancies occurring in such place, shall only be filled by the mutual choice of the whole of the representatives, of both employers and workmen constituting the tribunal, immediately upon the organization of the same, and the umpire shall be called upon to act after disagreement is manifested in the tribunal by failure during three meetings held and full discussion had. His award shall be final and conclusive upon such matters only as are submitted to him in writing and signed by the whole of the members of the tribunal, or by parties submitting the same.

SEC. 5. The said tribunal shall consist of not less than two employers or their representatives, and two workmen or their representatives. The exact number which shall in each case constitute the tribunal, shall be inserted in the petition or agreement, and they shall be named in the license issued. The said tribunal, when convened shall be organized by the selection of one of their members as chairman and one as secretary, who shall be chosen by a majority of the members, or if such majority cannot be had after two votes, then by secret ballot, or by lot, as they prefer.

SEC. 6. The members of the tribunal shall receive no compensation for their services from the city or county, but the expenses of the tribunal, other than fuel, light and the use of the room and furniture, may be paid by voluntary subscription, which the tribunal is authorized to receive and expend for such purposes. The sessions of said tribunal shall be held at the county seat of the county where the petition for the same was presented, and a room in the court house or elsewhere for the use of said tribunal shall be provided by the county board of supervisors.

SEC. 7. When no umpire is acting, the chairman of the tribunal shall have power to administer oaths to all witnesses who may be produced, and a majority of said tribunal may provide for the examination and investigation of books, documents and accounts pertaining to the matters in hearing before the tribunal, and belonging to either party to the dispute; *provided*, that the tribunal may unanimously direct that instead of producing books, papers and accounts before the tribunal, an accountant agreed upon by the entire tribunal may be appointed to examine such books, papers and accounts, and such accountant shall be sworn to well and truly examine such books, documents and accounts, as may be presented to him, and to report the results of such examination in writing to said tribunal. Before such examination, the information desired and required by the tribunal shall be plainly stated in writing, and presented to said accountant, which statement shall be signed by the members of said tribunal, or by a majority of each class thereof. Attorneys at law or other agents of either party to the dispute, shall not be permitted to appear or take part in any of the proceedings of the tribunal, or before the umpire.

SEC. 8. When the umpire is acting he shall preside and he shall have all the power of the chairman of the tribunal, and his determination upon all questions of evidence, or other questions in conducting the inquiries there pending, shall be final. Committees of the tribunal consisting of an equal number of each class may be constituted to examine into any question in dispute between employers and workmen which may have been referred to said committee by the tribunal, and such committee may hear, and settle the same finally, when it can be done by a

unanimous vote; otherwise the same shall be reported to the full tribunal, and be there heard as if the question had not been referred. The said tribunal in connection with the said umpire shall have power to make or ordain and enforce rules for the government of the body when in session to enable the business to be proceeded with, in order, and to fix its sessions and adjournments, but such rules shall not conflict with this statute nor with any of the provisions of the constitution and laws of Iowa.

SEC. 9. Before the umpire shall proceed to act, the question or questions in dispute shall be plainly defined in writing and signed by the members of the tribunal, or a majority thereof of each class, or by the parties submitting the same, and such writing shall contain the submission of the decision thereof to the umpire by name, and shall provide that his decision thereon, after hearing shall be final. The umpire shall be sworn to impartially decide all questions that may be submitted to him during his term of office. The submission and his award may be made in the form hereinafter given, and said umpire must make his award within ten days from the time the question or questions in dispute are submitted to him. Said award shall be made to the tribunal; and if the award is for a specific sum of money, said award may be made a matter of record by filing a copy thereof in the district court of the county wherein the tribunal is in session. When so entered of record it shall be final and conclusive, and the proper court may, on motion of any one interested enter judgment thereon; and when the award is for a specific sum of money may issue final and other process to enforce the same.

SEC. 10. The form of the joint petition or agreement praying for a tribunal under this act shall be as follows:

To the District Court of _____ County (or to a judge thereof, as the case may be):

The subscribers hereto being the number, and having the qualifications required in this proceeding, being desirous of establishing a tribunal of voluntary arbitration for the settlement of disputes in the (here name the branch of industry), trade, and having agreed upon A, B, C, D, and E representing the employers, and G, H, I, J, and K representing the workmen, as members of said tribunal, who each

are qualified to act thereon, pray that a license for a tribunal in the _____ trade may be issued to said persons named above.

EMPLOYERS.	Names.	Residence.	Works.	Number employed.

EMPLOYES.	Names.	Residence.	By whom employed.

SEC. 11. The license to be issued upon such petition may be as follows.

STATE OF IOWA } ss
COUNTY }

Whereas, The joint petition, and agreement of four employers (or representatives of a firm or corporation or individual employing twenty men as the case may be), and twenty workmen have been presented to this court (or if to a judge in vacation so state) praying the creation of a tribunal, of voluntary arbitration for the settlement of disputes in the workman trade within this county and naming A, B, C, D, and E representing the employers, and G, H, I, J, and K representing the workmen. Now in pursuance of the statute for such case made, and provided said named persons are hereby licensed, and authorized to be, and exist as a tribunal of voluntary arbitration for the settlement of disputes between employers, and workmen for the period of one year from this date, and they shall meet, and organize on the _____ day of _____ A.D. _____ at _____

Signed this _____ day of _____, A.D. _____

Clerk of the _____ District Court of _____ County.

SEC. 12. When it becomes necessary to submit a matter in controversy to the umpire it may be in form as follows :

We A, B, C, D, and E representing employers, and G, H, I, J, and K representing workmen composing a tribunal of voluntary arbitration hereby submit, and refer unto the umpirage of L (the umpire

of the tribunal of the _____ trade) the following subject-matter, viz.: (Here state full, and clear the matter submitted), and we hereby agree that his decision and determination upon the same shall be binding upon us, and final, and conclusive upon the questions thus submitted, and we pledge ourselves to abide by, and carry out the decision of the umpire when made.

Witness our names this _____ day of _____ A.D. _____
 (Signatures) _____

SEC. 13. The umpire shall make his award in writing to the tribunal, stating distinctly his decision on the subject-matter submitted, and when the award is for a specific sum of money, the umpire shall forward a copy of the same to the clerk of the proper court. [*Approved March 6, 1886.*]

PENNSYLVANIA.

An Act to establish boards of arbitration to settle all questions of wages and other matters of variance between capital and labor.

WHEREAS, The great industries of this Commonwealth are frequently suspended by strikes and lockouts resulting at times in criminal violation of the law and entailing upon the State vast expense to protect life and property and preserve the public peace:

And, whereas, No adequate means exist for the adjustment of these issues between capital and labor, employers and employés, upon an equitable basis where each party can meet together upon terms of equality to settle the rates of compensation for labor and establish rules and regulations for their branches of industry in harmony with law and a generous public sentiment: Therefore,

SECTION 1. *Be it enacted, &c.,* That whenever any differences arise between employers and employés in the mining, manufacturing or transportation industries of the Commonwealth which cannot be mutually settled to the satisfaction of a majority of all parties concerned, it shall be lawful for either party, or for both parties jointly, to make application to the

court of common pleas wherein the service is to be performed about which the dispute has arisen to appoint and constitute a board of arbitration to consider, arrange and settle all matters at variance between them which must be fully set forth in the application, such application to be in writing and signed and duly acknowledged before a proper officer by the representatives of the persons employed as workmen, or by the representatives of a firm, individual or corporation, or by both, if the application is made jointly by the parties; such applicants to be citizens of the United States, and the said application shall be filed with the record of all proceedings had in consequence thereof among the records of said court.

SECTION 2. That when the application duly authenticated has been presented to the court of common pleas, as aforesaid, it shall be lawful for said court, if in its judgment the said application allege matters of sufficient importance to warrant the intervention of a board of arbitrators in order to preserve the public peace, or promote the interests and harmony of labor and capital, to grant a rule on each of the parties to the alleged controversy, where the application is made jointly, to select three citizens of the county of good character and familiar with all matters in dispute to serve as members of the said board of arbitration which shall consist of nine members all citizens of this Commonwealth; as soon as the said members are appointed by the respective parties to the issue, the court shall proceed at once to fill the board by the selection of three persons from the citizens of the county of well-known character for probity and general intelligence, and not directly connected with the interests of either party to the dispute, one of whom shall be designated by the said judge as president of the board of arbitration.

Where but one party makes application for the appointment of such board of arbitration the court shall give notice by order of court to both parties in interest, requiring them each to appoint three persons as members of said board within ten days thereafter, and in case either party refuse or neglects to make such appointment the court shall thereupon fill the board by the selection of six persons who, with the three named by the other party in the controversy, shall constitute said board of arbitration.

The said court shall also appoint one of the members thereof secretary to the said board, who shall also have a vote and

the same powers as any other member, and shall also designate the time and place of meeting of the said board. They shall also place before them copies of all papers and minutes of proceedings to the case or cases submitted.

SECTION 3. That when the board of arbitrators has been thus appointed and constituted, and each member has been sworn or affirmed and the papers have been submitted to them, they shall first carefully consider the records before them and then determine the rules to govern their proceedings; they shall sit with closed doors until their organization is consummated after which their proceedings shall be public. The president of the board shall have full authority to preserve order at the sessions and may summon or appoint officers to assist and in all ballotings he shall have a vote. It shall be lawful for him at the request of any two members of the board to send for persons, books and papers, and he shall have power to enforce their presence and to require them to testify in any matter before the board, and for any wilful failure to appear and testify before said board, when requested by the said board, the person or persons so offending shall be guilty of a misdemeanor, and on conviction thereof in the court of quarter sessions of the county where the offence is committed, shall be sentenced to pay a fine not exceeding five hundred dollars and imprisonment not exceeding thirty days, either or both, at the discretion of the court.

SECTION 4. That as soon as the board is organized the president shall announce that the sessions are opened and the variants may appear with their attorneys and counsel, if they so desire, and open their case, and in all proceedings the applicant shall stand as plaintiff, but when the application is jointly made, the employes shall stand as plaintiff in the case, each party in turn shall be allowed a full and impartial hearing and may examine experts and present models, drawings, statements and any proper matter bearing on the case, all of which shall be carefully considered by the said board in arriving at their conclusions, and the decision of the said board shall be final and conclusive of all matters brought before them for adjustment, and the said board of arbitration may adjourn from the place designated by the court for holding its sessions, when it deems it expedient to do so, to the place or places where the

dispute arises and hold sessions and personally examine the workings and matters at variance to assist their judgment.

SECTION 5. That the compensation of the members of the board of arbitration shall be as follows, to wit: each shall receive four dollars per diem and ten cents per mile both ways between their homes and the place of meeting by the nearest comfortable routes of travel to be paid out of the treasury of the county where the arbitration is held, and witnesses shall be allowed from the treasury of the said county the same fees now allowed by law for similar services.

SECTION 6. That the board of arbitrators shall duly execute their decision which shall be reached by a vote of a majority of all the members by having the names of those voting in the affirmative signed thereon and attested by the secretary, and their decisions, together with all the papers and minutes of their proceedings, shall be returned to and filed in the court aforesaid for safe keeping.

SECTION 7. All laws and parts of laws inconsistent with the provisions of this act be and the same are hereby repealed.
[Approved the 18th day of May, A.D. 1893.]

TEXAS.

[CHAPTER 379.]

An Act to provide for the amicable adjustment of grievances and disputes that may arise between employers or receiver and employes, and to authorize the creation of a board of arbitration; to provide for compensation of said board, and to provide penalties for the violation hereof.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That whenever any grievance or dispute of any nature, growing out of the relation of employer and employes, shall arise or exist between employer and employes, it shall be lawful upon mutual consent of all parties, to submit all matters respecting such grievance or dispute in writing to a board of arbitrators to hear, adjudicate, and determine the same. Said board shall consist of five (5) persons. When the employes concerned in such grievance or dispute as the aforesaid are members in good standing of any labor organization which is

represented by one or more delegates in a central body, the said central body shall have power to designate two (2) of said arbitrators, and the employer shall have the power to designate two (2) others of said arbitrators, and the said four arbitrators shall designate a fifth person as arbitrator, who shall be chairman of the board. In case the employes concerned in any such grievance or dispute as aforesaid are members in good standing of a labor organization which is not represented in a central body, then the organization of which they are members shall designate two members of said board, and said board shall be organized as hereinbefore provided; and in case the employes concerned in any such grievance or dispute as aforesaid are not members of any labor organization, then a majority of said employes, at a meeting duly held for that purpose, shall designate two arbitrators for said board, and said board shall be organized as hereinbefore provided: *Provided*, that when the two arbitrators selected by the respective parties to the controversy, the district judge of the district having jurisdiction of the subject matter shall, upon notice from either of said arbitrators that they have failed to agree upon the fifth arbitrator, appoint said fifth arbitrator.

SEC. 2. That any board as aforesaid selected may present a petition in writing to the district judge of the county where such grievance or dispute to be arbitrated may arise, signed by a majority of said board, setting forth in brief terms the facts showing their due and regular appointment, and the nature of the grievance or dispute between the parties to said arbitration, and praying the license or order of such judge establishing and approving of said board of arbitration. Upon the presentation of said petition it shall be the duty of said judge, if it appear that all requirements of this act have been complied with, to make an order establishing such board of arbitration and referring the matters in dispute to it for hearing, adjudication and determination. The said petition and order, or a copy thereof, shall be filed in the office of the district clerk of the county in which the arbitration is sought.

SEC. 3. That when a controversy involves and affects the interests of two or more classes or grades of employes belonging to different labor organizations, or of individuals who are not members of a labor organization, then the two arbitrators

selected by the employes shall be agreed upon and selected by the concurrent action of all such labor organizations, and a majority of such individuals who are not members of a labor organization.

SEC. 4. The submission shall be in writing, shall be signed by the employer or receiver and the labor organization representing the employes, or any laborer or laborers to be affected by such arbitration who may not belong to any labor organization, shall state the question to be decided, and shall contain appropriate provisions by which the respective parties shall stipulate as follows :

1. That pending the arbitration the existing status prior to any disagreement or strike shall not be changed.

2. That the award shall be filed in the office of the clerk of the district court of the county in which said board of arbitration is held, and shall be final and conclusive upon both parties, unless set aside for error of law, apparent on the record.

3. That the respective parties to the award will each faithfully execute the same, and that the same may be specifically enforced in equity so far as the powers of a court of equity permit.

4. That the employes dissatisfied with the award shall not by reason of such dissatisfaction quit the service of said employer or receiver before the expiration of thirty days, nor without giving said employer or receiver thirty days written notice of their intention so to quit.

5. That said award shall continue in force as between the parties thereto for the period of one year after the same shall go into practical operation, and no new arbitration upon the same subject between the same parties shall be had until the expiration of said one year.

SEC. 5. That the arbitrators so selected shall sign a consent to act as such and shall take and subscribe an oath before some officer authorized to administer the same to faithfully and impartially discharge his duties as such arbitrator, which consent and oath shall be immediately filed in the office of the clerk of the district court wherein such arbitrators are to act. When said board is ready for the transaction of business it shall select one of its members to act as secretary and the parties to the dispute shall receive notice of a time and place of hearing,

which shall be not more than ten days after such agreement to arbitrate has been filed.

SEC. 6. The chairman shall have power to administer oaths and to issue subpoenas for the production of books and papers and for the attendance of witnesses to the same extent that such power is possessed by the court of record or the judge thereof in this State. The board may make and enforce the rules for its government and transaction of the business before it and fix its sessions and adjournment, and shall herein examine such witnesses as may be brought before the board, and such other proof as may be given relative to the matter in dispute.

SEC. 7. That when said board shall have rendered its adjudication and determination its powers shall cease, unless there may be at the time in existence other similar grievances or disputes between the same class of persons mentioned in section 1, and in such case such persons may submit their differences to said board, which shall have power to act and adjudicate and determine the same as fully as if said board was originally created for the settlement of such difference or differences.

SEC. 8. That during the pendency of arbitration under this act it shall not be lawful for the employer or receiver party to such arbitration, nor his agent, to discharge the employes parties thereto, except for inefficiency, violation of law, or neglect of duty, or where reduction of force is necessary, nor for the organization representing such employes to order, nor for the employes to unite in, aid or abet strikes or boycotts against such employer or receiver.

SEC. 9. That each of the said board of arbitrators shall receive three dollars per day for every day in actual service, not to exceed ten (10) days, and traveling expenses not to exceed five cents per mile actually traveled in getting to or returning from the place where the board is in session. That the fees of witnesses of aforesaid board shall be fifty cents for each day's attendance and five cents per mile traveled by the nearest route to and returning from the place where attendance is required by the board. All subpoenas shall be signed by the secretary of the board and may be served by any person of full age authorized by the board to serve the same. That the fees and mileage of witnesses and the per diem and traveling expenses of said arbitrators shall be taxed as costs against either

or all of the parties to such arbitration, as the board of arbitrators may deem just, and shall constitute part of their award, and each of the parties to said arbitration shall, before the arbitration (arbitrators) proceed to consider the matters submitted to them, give a bond, with two or more good and sufficient sureties in an amount to be fixed by the board of arbitration, conditioned for the payment of all the expenses connected with the said arbitration.

SEC. 10. That the award shall be made in triplicate. One copy shall be filed in the district clerk's office, one copy shall be given to the employer or receiver, and one copy to the employes or their duly authorized representative. That the award being filed in the clerk's office of the district court, as herein before provided, shall go into practical operation and judgment shall be entered thereon accordingly at the expiration of ten days from such filing, unless within such ten days either party shall file exceptions thereto for matter of law apparent on the record, in which case said award shall go into practical operation and judgment rendered accordingly when such exceptions shall have been fully disposed of by either said district court or on appeal therefrom.

SEC. 11. At the expiration of ten days from the decision of the district court upon exceptions taken to said award as aforesaid, judgment shall be entered in accordance with said decision, unless during the said ten days either party shall appeal therefrom to the Court of Civil Appeals holding jurisdiction thereof. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said exceptions and to be decided. The determination of said Court of Civil Appeals upon said questions shall be final, and being certified by the clerk of said Court of Civil Appeals, judgment pursuant thereto shall thereupon be entered by said district court. If exceptions to an award are finally sustained, judgment shall be entered setting aside the award; but in such case the parties may agree upon a judgment to be entered disposing of the subject matter of the controversy, which judgment, when entered, shall have the same force and effect as judgment entered upon an award.

SEC. 12. The near approach of the end of the session, and

the great number of bills requiring the attention of the Legislature, creates an imperative public necessity and an emergency that the constitutional rule requiring bills to be read in each house on three several days be suspended, and it is so suspended. [*Approved April 24, 1895.*]

MISSOURI.

An Act to provide for a board of mediation and arbitration for the settlement of differences between employers and their employees.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. Upon information furnished by an employer of laborers, or by a committee of employees, or from any other reliable source, that a dispute has arisen between employers and employees, which dispute may result in a strike or lockout, the commissioner of labor statistics and inspection shall at once visit the place of dispute and seek to mediate between the parties, if, in his discretion it is necessary so to do.

SEC. 2. If a mediation can not be effected, the commissioner may at his discretion direct the formation of a board of arbitration, to be composed of two employers and two employees engaged in a similar occupation to the one in which the dispute exists, but who are not parties to the dispute, and the commissioner of labor statistics and inspection, who shall be president of the board.

SEC. 3. The board shall have power to summon and examine witnesses and hear the matter in dispute, and, within three days after the investigation, render a decision thereon, which shall be published, a copy of which shall be furnished each party in dispute, and shall be final, unless objections are made by either party within five days thereafter: Provided, that the only effect of the investigation herein provided for shall be to give the facts leading to such dispute to the public through an unbiased channel.

SEC. 4. In no case shall a board of arbitration be formed when work has been discontinued, either by action of the employer or the employees; should, however, a lockout or strike have occurred before the commissioner of labor statistics could

be notified, he may order the formation of a board of arbitration upon resumption of work.

SEC. 5. The board of arbitration shall appoint a clerk at each session of the board, who shall receive three dollars per day for his services, to be paid, upon approval by the commissioner of labor statistics, out of the fund appropriated for expenses of the bureau of labor statistics. [*Approved April 11, 1889.*]

NORTH DAKOTA.

Chapter 46, of the Acts of 1890, defining the duties of the Commissioner of Agriculture and Labor, has the following:—

SECTION 7. If any difference shall arise between any corporation or person, employing twenty-five or more employes, and such employes, threatening to result, or resulting in a strike on the part of such employes, or a lockout on the part of such employer, it shall be the duty of the commissioner, when requested so to do by fifteen or more of said employes, or by the employers, to visit the place of such disturbance and diligently seek to mediate between such employer and employes.

NEBRASKA.

The law creating the Bureau of Labor and Industrial Statistics of the State of Nebraska, defines the duties of the chief officer as follows:—

SEC. 4. The duties of said commissioner shall be to collect, collate and publish statistics and facts relative to manufacturers, industrial classes, and material resources of the state, and especially to examine into the relations between labor and capital; the means of escape from fire and protection of life and health in factories and workshops, mines and other places of industries; the employment of illegal child labor; the exaction of unlawful hours of labor from any employee; the educational, sanitary, moral, and financial condition of laborers and artisans; the cost of food, fuel, clothing, and building material; the causes of strikes and lockouts, as well as kindred subjects and matters pertaining to the welfare of industrial interests and classes. [*Approved March 31, 1887.*]

PUBLIC DOCUMENT No. 40.

ANNUAL REPORT

OF THE

STATE BOARD OF ARBITRATION AND CONCILIATION

FOR THE YEAR ENDING DECEMBER 31, 1899.

BOSTON :
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1900.

CHARLES H. WALCOTT, Chairman.
RICHARD P. BARRY.
CHARLES DANA PALMER.

BERNARD F. SUPPLE, Clerk,
Room 128, State House, Boston.

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FOURTEENTH ANNUAL REPORT.

To the Senate and House of Representatives in General Court assembled.

In the following pages are reports of the most important controversies which have enlisted the attention of the Board during the year 1899. The statements are in each case intentionally made as brief as is consistent with the desire of the Board to exhibit clearly the method, scope and extent of the year's work, without unduly disclosing the details of private business.

In response to a request received from a special agent of the United States Commission to the Paris Exposition of 1900, this Board has transmitted through the Massachusetts Board of Managers, as a part of the Commonwealth's exhibit in the department of social economy, a handsome set of the annual reports of the Board, bound in three volumes, also a set of the forms used in transacting the business of

the Board and a statement prepared by the clerk of this Board for distribution at the Exposition, setting forth briefly the origin and progress of the work of state conciliation and arbitration in Massachusetts.

REPORTS OF CASES.

REPORTS OF CASES.

P. N. WADLEIGH, CHESLEY & RUGG, ETC.— HAVERHILL.

Early in February the Board was informed that differences had arisen in the shoe factories of P. N. Wadleigh and Chesley & Rugg, and possibly others in Haverhill, arising out of the demands for an increase in the wages paid for turned work, so-called. Inquiry was made upon the spot by interviews with the representatives of the workmen, and it was learned that there had been some strikes in Haverhill occasioned by the attempt to introduce a general price list for turned work, but that in most cases negotiations were in progress which promised to result in settlements fairly satisfactory to all concerned. The officers of the union said that the Board would be called in, if the attempts then being made for a private settlement should fail. It is understood that the expectations of settlement by the parties were substantially realized during the month.

GRANITE MANUFACTURERS—QUINCY.

In the year 1896 (see Report for that year) an agreement was entered into by the Granite Manufacturers' Association of Quincy, Mass., and the Quincy branches of the Granite Cutters' National Union, fixing a price list for cutting granite, and establishing regulations of the business as between the members of the association and the union. It was provided that the "bill of prices" thus established should take effect March 1, 1896, and terminate March 1, 1899; also that if either party should desire a change at the expiration of said period, three months' notice should be given previously to the date of such expiration, otherwise in default of such notice, the same agreement to continue from year to year, from and after March 1, 1899.

Notice was duly given by the union, before the expiration of the agreement, that certain changes were desired, and attempts were made to provide for a new agreement, or rather, to agree to modifications of that which had been in force for three years; and such an agreement

was in fact arrived at, except in a few particulars, which on both sides were considered of great importance. On the last day of February, 1899, the committees separated without having effected an agreement, one of the main obstacles being a question of minimum price for cutting: the manufacturers offered 25 cents, and the workmen demanded 30 cents per hour. The manufacturers then offered to submit this matter to arbitration, but the proposition was not accepted by the workmen.

Nothing having been done to keep the subsisting agreement alive, it came to an end by its own limitation, and on March 1 there was a general suspension of work in the granite yards of the city.

On March 3 the Board visited Quincy and had separate interviews with the president of the manufacturers' association and a committee of the workmen; another conference was suggested by the Board, and the suggestion being favorably entertained by both parties a conference in the presence of the Board was arranged for the next day following. The conference was held accordingly, and it appeared that the wages for competent cutters had been already settled at 30 cents an hour. The manufacturers then proposed that a minimum wage

of 25 cents an hour be paid for all those who should fail to reach the standard thus established. The workmen contended that all who fell below that standard should be paid piece prices according to the list.

On March 9, at the suggestion of the manufacturers the conferences between the parties were resumed, for the purpose of agreeing to as many details of the list as possible, with the understanding that the remaining matters should be left to arbitration. In this manner most of the questions in dispute were settled by agreement, and on March 20 the parties united in presenting a joint application to the State Board, stating:—

Demands by the workmen: All work not specified in the bill shall be cut by the hour and in no case to be less than twenty-eight (28) cents per hour. The above is offered as a substitute for the following: “Where the cutter and employer cannot agree on price of work not specified in this bill, he may be paid by the hour at his average rate, to be in no case less than twenty-eight (28) cents per hour.”

The workmen demand the following new article: There shall be no more than two apprentices to every thirteen journeymen.

At the first hearing on this application, it appeared that all the particulars of the price list, and working regulations, as between employers

and workmen, had been agreed to, except as specified in the application, and that the whole agreement when completed by the decision of the Board was to stand until March 1, 1900.

After full consideration of the evidence and arguments presented, the Board rendered the following decisions:—

Boston, April 26, 1899.

In the matter of the joint application of the Granite Manufacturers' Association and the Granite Cutters' Union, of Quincy.

PETITION FILED MARCH 22, 1899.

HEARINGS, MARCH 29, 31.

In this case the Board is requested to pass upon the reasonableness and expediency of two articles proposed by the union as Article 2 and Article 20 of the agreement and bill of prices which in all other respects have been definitely fixed and ascertained by the association and the union.

As Article 2, the Board recommends the following:—

All work not specified in this bill shall be cut by the hour, with the exception of carving, draped urns, draped shafts, and draped crosses; but in no case shall this be construed to mean that a stone which can be figured by the bill of prices, with the exception of carving, may be cut as a special bargain. And in case of a failure to agree on the price to be paid for work not specified in this bill, the cutter may be paid by the hour at his average rate, but in no case at less than 28 cents per hour. All work not covered by the bill of prices to be subject to the inspection of a joint committee.

As to the rule proposed as Article 20, which seeks to limit the number of apprentices in comparison with

the number of journeymen employed, it was urged at the hearing that any agreement to limit the number of apprentices would be contrary to the law of the Commonwealth. The Board has therefore submitted that question as a question of law to the Attorney-General, but no definite reply has yet been received. Such reply when received will necessarily control the action of the Board as to the disposal of this part of the case, and the parties will be duly notified.

By the Board,

BERNARD F. SUPPLE, *Clerk*.

Boston, April 28, 1899.

In the matter of the joint application of the Granite Manufacturers' Association and the Granite Cutters' Union, of Quincy.

Since a decision upon a part of this case was reported by this Board on the 26th instant, an opinion has been received from the Attorney-General as to the part of the case left undetermined by the Board, viz., the question of limiting the number of apprentices. The Attorney-General says:—

“I think the proposed article is not within the scope of the duties of your Board, and that you will best perform your duty by making no recommendation thereon.”

In accordance with the foregoing opinion, this Board has decided to make no recommendation concerning the subject of the proposed Article 20.

By the Board,

BERNARD F. SUPPLE, *Clerk*.

Result.—The decision was accepted by all parties.

ROCKPORT GRANITE COMPANY—GLOUCESTER.

On March 6 the quarrymen employed at Bay View by the Rockport Granite Company struck against the requirement of the company that they should work ten hours a day, except nine hours on Saturday, throughout the season. One week later this was followed by a suspension of work on the part of the granite cutters and paving-stone cutters. The parties were advised to confer together, but no result was reached. On the 24th the representatives of the company and of the union met the Board by invitation, at Bay View. It appeared in the course of the interview that, in addition to the nine-hour day previously demanded by the workmen, they now demanded 50 per cent. extra, or "time and a half" for overtime work. It also appeared that the workmen had been paid at the rate of 10 cents or 15 cents per hour, and that the ten-hour day was desired by the company for business reasons, and in order to fulfil contracts already taken, but that from

October to March eight hours a day only would be expected, with payment for overtime at the same rate, in the manner before practised. The reasons for the change did not convince the workmen, and no agreement was reached.

In the absence of any prospect of settlement new workmen were engaged, who, after staying a short time, were induced by the strikers to withdraw. This operation was accompanied by the demonstrations which frequently occur in such disputes, and for some time the business of the company was either at a standstill or seriously embarrassed. In response to requests from the union for advice, the Board replied that, while it would be glad at any time to assist in effecting a settlement, it could not properly advise one party against the other. The representatives of the workmen, however, kept up communication with the Board, reporting all material changes in the situation.

Early in May the company applied for and obtained an injunction against the strikers. Some had already returned to work, and many had obtained work elsewhere. In June the company gave notice that on and after the 19th of the month the demand for nine hours and "time and a half" for overtime would be conceded;

and at the same time appeared an advertisement for workmen. The striking workmen met and voted not to return to work until the company had "signed the bill," with an additional clause that the old employees should be "reinstated without prejudice on account of the strike."

On June 7 the company gave public notice that it would concede all the demands of the workmen, and the latter thereupon voted to apply for their former situations. Some of them, however, who had obtained work in other places at higher wages were not induced to return, and thus the bad effects of the controversy upon the business of the company were perceptible for a long time after the strike was technically ended.

THOMPSON & SNOW COMPANY—BOSTON.

On March 20 an application was received through the Boston Clothing Cutters and Trimmers' Union representing that the Thompson and Snow Company, of Boston, manufacturers of clothing, refused "to pay the bill of prices for cutting adopted by a joint committee of clothing merchants and the Clothing Cutters and Trimmers' Union; that such refusal is unfair to their competitors and places the union in the untenable position of demanding one price from a majority of the merchants and permitting one firm to pay a lesser price." It was further stated that the company declined to meet with or have any communication with the union or its committee. This Board was requested by the applicants to seek "to obtain and arrange for a conference" between the company and the agents of the union.

On the same day this Board called at the place of business of the company in Boston. The officers said that their employees in the cutting department were earning good wages and were satisfied; that the company would

have nothing to do with the union or receive a committee representing it, but would respectfully consider anything that the State Board might have to say at any time. The Board before departing urged compliance with the union's request on the ground that nothing could be lost by the interview, and it would tend to harmony, even if the company should ultimately decide to adhere to its present prices. Later in the day an agent of the union called and was informed by the Board of the substance of the interview, and it was suggested that the union put its message in writing to be transmitted by this Board to the company. The suggestion was taken under consideration, but two days afterwards the president and clerk of the union informed this Board in writing that the difficulty had been satisfactorily settled at a meeting of the representatives of the company with a committee of the shop's crew, and it was agreed that thereafter the company should "pay the bill of prices." In conclusion the letter says: "The union believes that the happy termination of this controversy is in a large measure due to the efforts made by the members of your Board, and the thanks of this union are hereby tendered to them."

MIDDLESEX COMPANY — LOWELL.

On April 17 a strike occurred on the part of the weavers employed by the Middlesex Company, of Lowell, claiming an increase of wages, and three days later, a written request was received from the employees requesting the action and advice of this Board with a view to effecting a settlement. In response to their letter a member of the Board visited Lowell and met the employees on the 21st, and on the same day a formal application was signed and presented by them.

A letter was promptly sent by the Board appointing a time and place for meeting with the weavers on the 24th, and another to the agent of the corporation saying that after meeting with the employees as appointed, the Board would call upon the agent at his office. On the same day, however, an agreement was effected between the agent and a committee of the weavers in accordance with which the following notice was posted:—

Commencing April 24, 1899, the reduction in wages made by the Middlesex Company in 1898 will be restored. The wages of operatives who were not reduced at that time, and of those who have since been restored will remain as at present. The price list submitted by the committee representing the weavers, after mature deliberation, the company has decided to accept. As an earnest of the desire to remove the existing difficulties they are willing to try and run the mill under the above conditions, although it hardly seems probable that they can do so.

Work was promptly resumed, and nothing further was heard by the Board about the matter.

BOSTON HORSESHOERS—BOSTON.

On April 26 the Board learned informally that on the first day of May a strike was expected to occur in Boston and vicinity on the part of members of the Journeymen Horse-shoers' Union. In the attempt to avert the strike the Board invited a committee of the union and a committee representing the Master Horseshoers' Association to meet at the rooms of this Board for a friendly discussion of the differences involved. The invitation was accepted and the two committees met with the Board at the State House on April 28.

It appeared that the dispute related to wages of "fitters" and "drivers," or "floormen." The claim was that fitters should receive \$19 a week, and drivers \$17,—a substantial increase for many of the journeymen, compared with prices then being paid. There were about 400 journeymen and 125 masters in Boston and the vicinity, and wages varied from \$15 to \$18 a week. As the conference proceeded the fact

was developed that neither committee was fully empowered to agree to a settlement that should bind others as well as themselves ; consequently the Board suggested that committees be chosen with full power to act in the premises. The suggestion was favorably received on both sides, and the conference came to an end for the time being.

On May 1, the day set for the strike, the Board was informed by the president of the masters' association that that body had chosen a committee with full power, as suggested by the Board, and the clerk immediately notified the president of the union of that fact and requested to be informed what action the journeymen proposed taking.

Unfortunately for pacific measures the strike had already begun, and as several employers acceded more or less promptly to the demands of the union, and all or substantially all did so in a few days or weeks, there was, in the nature of the case, no occasion for arbitration.

IRON MOULDERS — LOWELL.

On May 8 a strike occurred on the part of iron moulders employed in Lowell by the Union Iron Foundry, the Eagle Foundry Company, Albert F. Nichols and Pevey Brothers respectively. The demand at first made was for \$2.75 a day, which was afterward changed to a minimum price of \$2.50 a day,—a union price by the day to be substituted where previously men were paid some by the piece and some by the day, the average earnings throughout the city being represented as about \$1.75 a day. All employers were notified of the demand, and that it should take effect on April 24. No replies were received except from one employer who agreed to pay \$2.50; some said that they would pay that amount if the others would. A subsequent notice was given that unless the demand should be granted, within the time stated, a strike would take place on May 8. It occurred according to programme.

On May 10 the Board of its own motion

invited the employers and a committee of the moulders to meet in the presence of the Board at a time and place stated, on the 12th, in Lowell, for a conference with a view to a settlement by agreement.

At the time and place named the Board was met by a committee of the moulders. None of the employers appeared or sent any communication. The workmen made a statement of the facts of the case, and the meeting was dissolved.

For several weeks the masters' attitude revealed no disposition to consider the men's demand; orders for castings were placed in other cities; finally settlements were made in the Union and Eagle foundries, where the union price was granted. In the other two of the foundries involved, the strike situation remains unchanged.

PATTERN MAKERS—BOSTON, ETC.

On or about May 15 occurred a general strike of pattern makers employed in Boston and the vicinity to support a demand for nine hours on five days of the week and five hours on Saturday. The executive committee of the pattern-makers' Association of Boston and the vicinity being called upon expressed their willingness to consult with the Board, and accordingly on the 17th the president of the association accompanied by another member of the executive committee called and made a general statement of the case. The Board undertook to communicate with those employers who had not yet agreed to the workmen's demand. Some of the leading employers involved were seen, and the services of the Board proffered.

On May 23 an interview was had by the Board with the pattern makers lately employed by the General Electric Company at Lynn, and it was learned that their demand was for nine hours on five days in the week and a half

holiday on Saturday, at the old rate of wages. It was also learned that the workmen belonged to a branch of the Boston Pattern Makers' Association and were governed by the proceedings of the principal body. This and other similar strikes on or about May 15 were in accordance with a general plan to establish a nine-hour day in Boston and the vicinity. A. B. Lovering in Lynn and some of the Boston employers conceded the demands of the pattern makers; but nothing having intervened to give substantial hope of a general settlement in Boston, it was intimated to the Board on June 2 that the association would willingly confer with the employers in an attempt to reach an understanding. The minds of the employers were sounded again by the Board, but it was found that they preferred to deal directly with their employees as individuals rather than through the association.

In the latter part of June the Board by request made another attempt to bring about a conference, and formal invitations to that end were sent to the parties concerned. This invitation was respectfully declined by the association of employers, and the workmen replied saying that they had been informed that the

employers did not intend to respond favorably to the Board's invitation. They added that the association had given its executive committee full authority to settle the controversy, and had voted "that we are willing at any time at any place and under any auspices to meet our employers or their representatives to consider a settlement of the present controversy."

At the time of writing this report the controversy remains open, and very recently further communications have been had with reference to a settlement between the two associations.

KIDDER PRESS COMPANY—BOSTON.

On Saturday, June 3, the machinists, firemen and some other employees of the Kidder Press Company, of Boston, having urged without success a request for a half holiday each Saturday during the summer months without loss of pay, quit work at noon and were consequently notified of their discharge.

On the 7th the workmen, through their business agent, requested the mediation of the Board. On the same day, after a meeting of the directors had been held, it was publicly announced that they had decided not to grant any of the demands of the machinists' association, which were stated to be for a Saturday half holiday during the summer months with full pay, an increase of wages, recognition of the union, and "other things of minor importance." "We shall have no negotiations with the union or with union men as such, but if any of the men return as individuals, we shall take them back, provided they come before their places have been filled

by other applicants." The implied invitation to return to work was not favorably received by the workmen, and in compliance with their request the Board called upon the company, June 9, at its place of business. The officers of the company expressed themselves substantially as above stated, and as feeling assured that there would be a full supply of workmen on the following Monday morning. On the 21st it was learned by inquiry at the office of the company that not so many men had appeared as had been expected; and the services of the Board were offered to effect a settlement.

On July 3 a case was heard in the superior court on a petition brought by the company for an injunction against the strikers; after this some of the workmen quietly found work with other employers, some were re-employed by the Kidder Press Company, and gradually the controversy disappeared from public notice.

BREWERY EMPLOYEES—SPRINGFIELD, ETC.

On June 9 there was a general strike of the employees in the Springfield breweries, involving about 200 men, acting under union leadership, and to enforce a demand for a working day of nine hours during the four winter months, with pay for ten hours. The difference arose upon conferring together upon the terms of a proposed new agreement, and the strike was participated in not only by the brewers but also by the teamsters, engineers, firemen, bottlers and drivers,—practically all the men employed. Similar controversies arose at the same time in the breweries of Holyoke and Chicopee. On the day of the strike, in an attempt to get into communication with the parties the Board was informed by the president of the Springfield Breweries Company that negotiations for a settlement were already on foot, and that, in case of agreement, he would like to have the agree-

ment made with the Board as attesting witness. Three days afterwards an agreement was effected in Springfield by the parties interested substantially in accordance with the demands made, and work was resumed at about the same time in that city and in Holyoke and Chicopee.

LYMAN MILLS—HOLYOKE.

On June 14 occurred a strike in one of the four mills of the Lyman Mills at Holyoke, which originated with the doffers and ring spinners, mostly boys, who desired an increase of wages. Three days later all of the company's mills were shut down, and about 1200 operatives became idle.

On June 19 the Board received a communication from some of the strikers requesting forms of application, which were promptly sent; and subsequently, on July 3, a letter was sent to the applicants by the Board, requesting a statement of the situation, and expressing readiness to be of assistance in any way that might seem practicable. No reply was received.

On July 5 the mills started up again, many of the operatives returning to work as usual, but a considerable number of spinners remained out, in hope of some concessions. As time went

on, new boys were taken on in place of the striking doffers.

Nothing further was heard of this case, and it is inferred that the controversy by degrees lapsed and was lost to the sight of the public without definite ending of any kind.

J. B. RENTON HEEL COMPANY—LYNN.

On June 12 a strike occurred in the factory of the J. B. Renton Heel Company of Lynn, occasioned by the hiring in of new hands to take the place of three boys or young men who had left work because of the refusal of their demand for a slight increase of wages. Some of the workmen very soon returned and new men were hired to fill some of the vacant places, but the Board was informed on the 13th that the employer was not anxious about filling all the places at once, in the expectation that other of the old employees would return. On or about the 27th it was learned that the vacant places had been filled by women, and then the pickets disappeared and to all appearance the strike was at an end.

BOSTON BREWERIES — BOSTON.

In the latter part of June, at the suggestion of the secretary of the Boston Brewers' Board of Trade, an interview was had with him and the president of that body, from which it appeared that the employers apprehended that a strike might occur at any moment by and in behalf of the engineers employed in the several breweries. The demands of the employees appear to have been for a less number of hours' work, and for other changes of which the Board has not been informed. Employers and workmen had met repeatedly, but with no satisfactory results as to agreement, and the employers, saying that they were determined not to yield any further, desired information as to the best way of invoking the services of the State Board. Notice had been received by them that a strike would occur on July 1, and prompt action was deemed necessary. The desired information as to method of procedure was given, and the officers of the

Board of Trade expressed their intention of filing an application as soon as they could confer with their associates of that Board. On the following day the secretary of the Board of Trade notified this Board that a settlement of the difficulties had been effected.

**BAUSH & HARRIS MACHINE TOOL COMPANY—
SPRINGFIELD.**

In July the managers of the Baush & Harris Machine Tool Company were informed by the agent of the union of which their moulders were members that certain patterns which had been sent from Providence were obnoxious to them because of a controversy between the Providence firm and the moulders' union. In response to the complaint of the employees the Baush & Harris Machine Tool Company decided to stop their works in all departments. Accordingly the workmen were paid off on July 10, and were told that work would be suspended for an indefinite period.

On the following day agents of the union had an interview with the managers of the company, which it was agreed should be continued on the next day following. At this time the company expressed their readiness to meet the wishes of the workmen by excluding the objectionable work, but were surprised that

the union presented as an additional demand that the works should be run on the union plan, meaning that no man should be employed unless he could show a union card as evidence of good union standing. This was a new question, which the company would not then consider, and negotiations came to an end. The works were reopened, some of the moulders returned to work, but most of them found work elsewhere. The ban of the union was placed upon the establishment, accompanied by all the annoyance of a strike, although the beginning of hostilities was a lockout.

On July 18 the Board of its own motion went to Springfield and visited first the moulders' headquarters, with a view to arranging for a conference between the parties. It was learned there that the strikers were scattered in various directions, and that the conduct of the controversy, so far as the workmen were concerned, had been transferred from the local organization to the national executive board of the union. Apparently this shifting of responsibility simply increased the difficulty of doing anything to bring the parties together, because there was no member of the national executive board in Springfield, and no one who could be found

in that immediate vicinity was prepared to assume the slightest authority or responsibility, even to try to effect a settlement in co-operation with the State Board.

The next morning, however, the Board called upon the managers of the company and had an interview, in which they gave the history of the controversy and their willingness to do anything in reason to settle it. They still asserted their readiness to reinstate the former moulders and helpers, without discrimination; they had sent away the objectionable work, but were resolved not to bind themselves to the union card.

In the absence of any who would undertake to act for the moulders, the Board was unable to exert any practical influence upon the controversy; although, had the circumstances been different in this respect, there seemed no good reason why a settlement could not have been effected promptly, which would recognize the evidently fair intentions of the company, and at the same time cause the moulders to return to work under favorable conditions. At the latest accounts which reached the Board the relative positions as to the questions in issue remained the same, but work was going on apparently much as usual.

MOROCCO WORKERS—LYNN.

In the latter part of July strikes were entered upon by the "glaziers" employed in the morocco factories of the A. B. Hoffman Company, Weber Leather Company and T. A. Kelley, all of Lynn, for an increase of wages and allowance for overtime work. The parties interested were called upon separately by the Board, and at the request of Mr. Kelley the committee of his striking workmen were called in to take part in the conference. Mr. Kelley then and there declined to accede to the requirement of the committee, but stated that he would agree to reinstate the former employees at the former rates, the week to consist of fifty-nine hours, time and one half to be paid for overtime work, power to be on as long as needed, and the factory to be lighted on short days and for overtime work. The committee desired to lay the employer's proposal before a meeting of the workmen, constituting the shop's crew, and a member of the State Board

was asked to attend the meeting. The sentiment of the meeting was unfavorable to the acceptance of the employer's terms. There was then another conference with the employer. The actual difference in dollars and cents appeared to be trifling in amount, but neither party could be induced to make any concession, and the conference came to an end without agreement. The employer then withdrew all the offers previously made.

Subsequently, in September the Kelley strike was ended, the workmen, or a majority of them, returning to work on the terms previously proposed by the employer and recommended by the Board for adoption.

**BOSTON DISTRICT MESSENGER COMPANY —
BOSTON.**

On July 31 a strike occurred on the part of the boys employed by the Boston District Messenger Company, who desired more pay for certain messages, also certain changes in the regulations under which they worked. The strike was a surprise to the superintendent, who said, in answer to the inquiries of the Board, that no definite complaints had been brought to his notice, that he did not know what the strike was for, and should be pleased to have the Board undertake to straighten out the matter. An interview was sought with the boys, who were crowded around their former places of business, and fast becoming the nucleus of a mob. Five of them were at length induced to visit the rooms of the Board at the State House. They said they had no authority to represent the others, but would gladly hear and report any suggestions that might be offered them.

General advice was given and a suggestion made that a committee be selected with full power to negotiate a settlement, and on the following day a committee of forty boys appeared at the time appointed and made a definite statement of their demands, which the Board forthwith laid before the superintendent for his consideration. The superintendent then said that he had no power to act in the premises, but would communicate as soon as possible with the vice-president, then travelling in the West, who alone had authority to decide such matters. He added that, if the boys would return promptly to work, one or more representatives of the company would meet a committee of the boys with the State Board, with a view to agreement upon terms of settlement.

The committee said that the strikers had taken no active part in any riotous demonstration, but that they could not control those who sympathized with them. They were urged by the Board to give favorable consideration to the proposition that they should return to work, pending the vice-president's return and a conference with him. They voted to act accordingly, and all returned to work the same day.

On August 4 a conference was appointed, to take place at the rooms of the State Board at the State House on August 10, and the parties were so notified; but on the 7th a conference was had by the superintendent with a committee of the boys, at the office of the Board, and the several grievances were discussed at length. An adjournment was had to the 9th, in order to afford opportunity to consult with the other boys, and on the day last named the conference was resumed.

The overtures previously made by the company had been rejected in the meanwhile, and at this meeting the boys made their final demands. The superintendent recurred to his lack of authority, but said that he would give an answer as soon as the vice-president should have been heard from. On the 14th complaints were received that the boys suspected bad faith on the part of the company, that new boys were being advertised for and hired, and that a renewal of the strike was imminent. The superintendent was communicated with, and a meeting appointed for the next day. Both parties appeared on the following day, and an agreement was made and filed with the Board, settling all matters in dispute, as follows:—

Boston, August 15, 1899.

AGREEMENT.

1. That 2 cents be paid for the delivery of each telegram.

2. That 40 per cent. be paid on messenger service.

2a. That 2 cents be paid for the collection of each telegram.

3. Boys paid on weekly salary as follows: \$4 per week for first six months, \$4.50 per week for second six months, \$5 per week thereafter; this to be computed at seven days a week, boys to be credited with a day on their regular Sunday off.

4. That they be paid weekly, according to law.

5. Uniforms to be pressed every two weeks without cost to the messengers.

6. All time after 10 P.M. to be paid for at rate of 10 cents an hour. This does not include those boys whose regular day's work is not finished until after 10 P.M.

This agreement to take effect beginning Monday, August 21, 1899, and to continue for one year.

G. H. YETMAN, *Superintendent,*
Boston District Messenger Company.

P. L. HYNES, 94,
GEORGE MURRAY,
A. E. ZACKULAR,
JAMES MURPHY,
M. LYONS,

Committee of Messengers.

STEAMFITTERS AND HELPERS—BOSTON.

On September 5 a strike occurred in Boston under the influence of the union of steamfitters' helpers, to enforce a demand for minimum wages of \$2 for a day of eight hours. The employers had made a counter-proposal to pay new men at the rate of \$1.50 a day for the first six months of service, \$1.75 for the next eighteen months, and \$2 a day thereafter,—a proposal which was not sufficient to avert the strike.

On the 8th a communication was received by the State Board from the president of the association of master steamfitters, stating that the journeymen steamfitters had violated the agreement entered into between the two associations of masters and journeymen in the presence of the State Board on October 24, 1895, and requesting the interposition of the Board.

A letter was at once sent to the journeymen steamfitters' union, reciting the notice received, and asking for any suggestion of action on the part of the Board that might lead to an adjust-

ment of the difficulties. A committee of fitters thereupon called and said that they were idle, not because they had any grievance, but because of the strike of the helpers, which left the fitters without their usual assistants. On the same day appeared a committee of the helpers, who conferred at the rooms of the Board with the committee of fitters.

On the 9th the fitters' committee called again, and reported a provisional agreement with all except three of the principal employers. The Board then visited Ingalls & Kendrick, being one of the firms that had not yet agreed, but insisted upon a modified or sliding scale described in the counter-proposal above referred to. The substance of the interview was related to the fitters' committee, who were advised to call again upon the outstanding firms and make another attempt to reach an agreement.

On September 11 others of the steamfitters returned to work, and the prospect of a general settlement appeared brighter. On or about the middle of the month, after further conferences between the employers and workmen and with the co-operation of the Board, a definite understanding was arrived at with both classes of workmen, and the dispute subsided.

HIGHLAND FOUNDRY—BOSTON.

On September 1 the bench moulders employed by the Highland Foundry Company, in Boston, struck for an increase of 10 per cent. in wages, being a restoration of one-half of a reduction made two years before, and for weekly payments. The services of the Board were promptly tendered, but no response was received until the 21st, when the president and one of the directors of the company called and requested immediate action by the Board, assigning as a reason for their delay the prolonged illness of the superintendent. On the same day the Board got into communication with the workmen, and arranged for a conference with the officers of the company on the day following. At the appointed time the two committees met at the rooms of the Board and discussed terms of settlement. The result was a proposition from the company, "that, if the moulders shall see fit to return to work forthwith, the company will meet a committee of

the moulders as soon as the health of the manager will permit, and will endeavor to settle by agreement upon prices for moulding that shall be equal to those paid in other competing foundries in this vicinity,—equal wages for an equal result,—and if such agreement shall not be arrived at by October 15, 1899, that all matters then remaining unsettled be submitted at once by both sides upon the request of either side to arbitration—either to a board to be selected by the parties concerned, or to the State Board of Arbitration and Conciliation; and that, pending such settlement, either by agreement or by arbitration, wages shall be paid weekly at the old prices, all amounts to be adjusted later according to the final agreement or decision, so that the new prices shall take effect from the return to work.”

The workmen’s committee reported the proposition to their union for final action, and it was accepted with a vote to return to work on the following Monday and await a settlement to be made with the superintendent when fully recovered, and that, in default of such settlement, the matter was to be left with the State Board. Nothing further has been heard from the case.

J. BROWN & SONS—SALEM.

On September 27 twenty-five cutters employed by J. Brown & Sons at Salem quit work as a protest against fines imposed in some cases for damaged uppers. About one year previously it had been agreed that there should be no fines for injury to stock except in cases of clear carelessness of the workmen implicated, and that the employees who should be in fault might be discharged.

The attention of the Board having been directed to the matter, it appeared that, in point of fact, fines had been imposed in but a few instances only, and these for trifling amounts. New workmen were hired, but were in part induced to withdraw, and although at the advent of the Board the employers said that they had help enough for their requirements, nevertheless a settlement seemed preferable to all concerned. A conference was appointed at the rooms of the Board, which took place on October 13. At this meeting the

general officer of the union to which the men belonged, after a full discussion, desired further time to enable him to confer with the men, and ascertain on the spot the real state of the case; and an appointment was made by him to meet the firm at the factory on the following morning. The appointment was kept accordingly and a settlement agreed to.

SAILMAKERS — GLOUCESTER.

On October 10 the Journeymen Sailmakers' Association of Gloucester, in a letter addressed to the Master Sailmakers' Association, requested an increase of wages to \$3 for a day of nine hours. One week later a reply was received, saying that under existing circumstances no increase could be granted. A strike immediately followed, which affected nearly all the sail-lofts in Gloucester. On the 19th the Board had personal communication with the parties affected, learned the facts above stated and procured copies of the correspondence. The journeymen expressed a willingness to meet a representative of the employers together with the State Board. The president of the employers' association thought that nothing would be necessary except for the parties to meet and come to an understanding by themselves, and that with the lapse of a little time there would be no great difficulty in meeting and arranging matters. Thereupon, with the approval of the Board, a

representative of the journeymen who was present invited the employers to meet the men in conference at any time that might be set by the employers themselves. The president replied that he would lay the invitation before his associates and send an answer soon. No report of the result was given directly to the Board, but the Board is informed that the demands of the workmen were conceded by individual employers, until by November 10 all the employers had agreed to the same terms.

THOMAS G. PLANT COMPANY—BOSTON.

On December 15 the lasters employed by the Thomas G. Plant Company in Boston struck for higher wages. A few days afterwards the Board communicated with the company and the workmen. At the opening of the new year the Board learned by visiting the parties concerned that some of the workmen had returned to work and that others were on the point of doing the same. The manager said that he would not recognize the union, but insisted that at the time of the strike his men, who were not superior in skill, were earning higher wages on the average than men of the same capacity could earn anywhere else. After seeing both sides, the Board advised the representative of the strikers that the best thing they could do was to send a committee to the manager as soon as possible, and endeavor to secure their former situations in the factory. This advice was acted upon, and in a few days more than 150 of

them had been reinstated. Since they could only be utilized in groups of five, and the company was in no hurry by reason of pressure of work, some workmen were thus compelled to await a summons to labor.

BAILEY, CURTIS & CO.—LYNN.

A joint application was received December 20 from Bailey, Curtis & Co., of Lynn, and their employees. At the hearing on the 23d all parties were present or represented. It appeared that the firm was desirous of adding to the product of their factory shoes known in the trade as "little gents'"; but, as no goods of the kind had been made in the factory, no price list for the different parts of the work had been established or even proposed either by the firm or the employees. All united in requesting the Board to ascertain what was paid for similar work in other factories, and upon those data recommend a price list for this factory which should be fair for all concerned. The firm, however, said frankly that they should not introduce the work unless the prices made by the Board should be low enough to enable them to make the goods at a fair profit.

Upon inquiry by the Board it appeared that neither employers nor workmen were prepared

to suggest a price list, either wholly or in part; and the Board were of the opinion that, since no prices for the work had ever been established in the factory, it was not clear that the services of the Board would be necessary until the parties had at least attempted to agree on prices.

All parties concerned were therefore advised to confer together as soon as possible and endeavor to agree upon a list of prices for the work contemplated, and then, if any points remained unsettled, to notify the Board and ask that the hearing be resumed concerning the matters then actually in dispute. The course suggested seemed to be generally approved, and the hearing was accordingly adjourned without day.

Since then, as the Board is informed, attempts have been made by the parties to agree upon the items of a price list, with fair prospect of an agreement, but no request has been made for further action by the Board.

WHITE BROTHERS & CO.—LOWELL.

On November 8 a strike occurred on the part of the leather workers employed by White Brothers & Co., of Lowell, arising out of a proposed reduction of the wages of beamsters. On the following day a conference was had and a proposition made by the firm, coupled with a request that a sufficient number of workmen should return in order to save the goods then in process of manufacture from becoming a total loss. In view of the fact that the principal demands were conceded, the Board advised that the proposition of the firm be met in an accommodating spirit, and that nothing would be lost by attempting to reach a settlement by mutual agreement.

The men accordingly voted to return to work, and to accept the firm's proposal to restore the old scale of wages at once, and their assurance that on resumption of work all other grievances should be duly considered with a view to a fair adjustment.

Subsequently, on January 24, 1900, the workmen again went on strike, alleging that there had been a failure to redress the grievances complained of in November, and because they apprehended a lockout. The Board again interposed, and through its mediation the men returned to work; several conferences have been held, and, although at the time of making up this report the differences are not fully adjusted, many of them have been adjusted, and all seem in a fair way of settlement by agreement.

C. W. VARNEY & CO.—LYNN.

On November 1 the hand lasters employed by C. W. Varney & Co., of Lynn, struck for an increase of wages. A committee called upon the firm and submitted their demands. An offer of an increase of a fourth of a cent a pair was declined by them.

The Board sought and obtained separate interviews with the parties, and found the firm undecided as to what course to pursue. Further attempts at a settlement were made, and on November 6 the workmen agreed to the modification of their demands suggested by the firm, and all hands were reinstated.

A controversy which arose about the same time in the factory of Walter & Logan, of Lynn, involving questions practically the same and threatening to result in a strike, was adjusted at the same time in accordance with the terms of settlement agreed to in the Varney case.

Two days after the settlement in the Varney case a new difficulty arose in the same factory, caused by complaint about the system of tagging the work. A conference was had which resulted in a settlement.

PETER J. MULLIGAN ET AL.—BROCKTON.

On December 18 an application, signed by Peter J. Mulligan, Joseph M. Horton and Michael F. Saunders, was presented to the Board alleging that they were the "authorized agents" of employees of R. B. Grover & Co., of Brockton, "in the department in question." The grievances set forth were as follows:—

That under and by virtue of a contract dated June 7th, 1899 (a copy whereof is herewith filed) entered into by said R. B. Grover & Co. and the Boot & Shoe Workers' Union (the general body representing all local unions) said R. B. Grover & Co. agreed to employ union men only; that at the time of the execution of said agreement all said twenty-six employees were and as they claimed still are in fact and in law members in good standing of Cutters' Union (local) No. 35 of Brockton; that said general body claims that because of the proceedings of a certain convention held in June last at Rochester, New York, which said proceedings we claim were unlawful, invalid and in violation of the constitution of said Boot & Shoe Workers' Union said twenty-six employees are no longer members in good standing of said union

and is by threatening to deprive said firm of the union stamp obtained and now held under said contract and thereby to boycott the manufactured goods of said firm, if said firm shall retain in their employ said 26 employees and because thereof said firm has already discharged and locked out some and is threatening to discharge and lock out all others of said employees, notwithstanding that under the terms of said contract said Boot & Shoe Workers' Union, said Cutters' Union and said firm are all bound in terms to submit all matters in dispute to this State Board and have no lock out.

The contract ran as follows:—

Agreement entered into this 7th day of June A.D. 1899 by and between R. B. Grover & Co., of Brockton, Massachusetts, shoe manufacturer, party of the first part, and the Boot and Shoe Workers' Union, party of the second part, witnesseth:—

First.—The party of the first part agrees that it will employ as boot and shoe workers in its factory in Brockton none but members of the Boot and Shoe Workers' Union in good standing.

Second.—That it will not employ any member of the Boot and Shoe Workers' Union or any other person as a boot and shoe worker who is objectionable to said union, either on account of being in arrears for dues or from any other cause, after receiving notice of the objection by some authorized agent of the Boot and Shoe Workers' Union or local union or unions.

Third.—That it will not hinder or obstruct the collectors of said union working in its factory in the per-

formance of their duties of collecting the dues of the members of said union due to the respective local unions.

Fourth.—That it will not cause or allow the union stamp, which will be supplied to it by the party of the second part, as a part of this agreement, to be placed on any goods not made in a factory for which the use of the union stamp was granted.

Fifth.—The party of the second part or its deputy shall at all times be allowed to visit the factory on business connected with the union stamp.

Sixth.—The party of the second part may present to the party of the first part a bill of prices of the local union or unions which, if it cannot be agreed upon, shall be referred to the State Board of Arbitration in the manner provided in paragraph 12.

Seventh.—The party of the second part agrees to supply to the party of the first part its union stamp, and that in making prices with the party of the first part no additional price shall be made for the use of the stamp, which shall be furnished to the party of the first part free of charge; nor shall any discrimination be made between the party of the first part and other firms, persons or corporations who may enter into an agreement with the party of the second part for the use of the union stamp.

Eighth.—That all reasonable efforts shall be made by the Boot and Shoe Workers' union to advertise the union stamp in the public press, trade journals, labor unions, labor conventions and otherwise, and to use every exertion to create a demand for the union stamped goods among consumers.

Ninth. — That they will furnish to the party of the first part when and as often as it may be required, all boot and shoe workers desired by the party of the first part.

Tenth. — That the right of the party of the first part to use the union stamp shall be in no way affected by any action of a local union or unions, or by the fact that one or more local unions has withdrawn from or been dismissed from the Boot and Shoe Workers' Union.

Eleventh. — Both parties agree to adjust in an honest and equitable manner all grievances of whatever nature and all matters of dispute in reference to wages or any other subject, including the true construction of this agreement, that may arise between them, and in case of failure to mutually adjust any dispute or grievance, the party of the first part and the members of the department or departments where such dispute or grievance shall arise, shall join in the manner provided by statute, in an application to the Massachusetts State Board of Arbitration for a decision on the matter or matters in dispute, and the decision of said Board shall be binding upon the party of the first part, the party of the second part, the local unions and employees.

Twelfth. — A general officer of the Boot and Shoe Workers' Union may join with the parties to the application to said Board, and should more than one department be affected by a dispute, the Joint Council, to which the local unions represented in the factory are attached, may also join with the parties to the

application. A general officer may act as the authorized agent of the employees in the application in any case, to the State Board.

Thirteenth.—While this agreement remains in force, there shall be no strike declared by any person or persons for any cause, pretext or excuse whatsoever in the factory of the party of the first part, nor shall the party of the first part for any cause, pretext or excuse whatsoever, cause a lockout against any of its employees. The party of the first part shall suffer no interruption of business during the decision of any dispute or grievance.

Fourteenth.—This agreement shall remain in force for three years from Nov. 1, 1898. Should either party desire to alter, amend or annul this agreement, it shall give a written notice thereof to the other party three months before the expiration of the agreement, and if the parties fail to give such notice, the agreement shall continue in force for another year and so on from year to year until such notice is given.

Fifteenth.—In case the party of the first part violates the terms of this agreement, directly or indirectly (which may be a matter of dispute to be referred to the State Board of Arbitration) the party of the second part shall have the right to demand and receive from the party of the first part the stamp or stamps delivered to it by the party of the second part under this agreement, and to take the stamp or stamps wherever the same may be, without being liable to any claim for damages or otherwise. The party of the first part agrees that it will surrender said union stamp or

stamps on the termination of this agreement or upon the decision of the State Board that it has violated its terms, and that it will make no contest against the party of the second part upon the question of the ownership of said stamp or stamps, but the party of the second part shall be treated and recognized as the owner of the same.

Sixteenth.—No person shall have the right to demand or receive the said union stamp from the party of the first part, except the General President of the Boot and Shoe Workers' Union, or some person duly authorized by him in writing to receive the same, which authorization shall be signed by the General President and bear the seal of the organization as affixed hereto. In case the party of the first part shall be unable for any cause to deliver the said stamp to the party of the second part, or whoever may hold the office of General President of the Boot and Shoe Workers' Union, or to the person properly authorized by him to receive the said stamp, the party of the first part shall be liable to the party of the second part, or to the party who holds the office of General President, in the sum of \$200, to be recovered by the party of the second part, or whosoever may hold the office of the General President of said union, in action of contract against the party of the first part as liquidated damages.

Seventeenth.—In case the party of the first part shall cease to do business, or shall transfer interest, or any part thereof, to any person, or persons or corporations, this agreement shall be ended, and the stamp shall be returned to the General President. And in the event of a change in the membership of any firm who shall

have entered into this agreement, this agreement shall be ended and the union stamp returned to the General President, when a new agreement of similar tenor as this may be entered into.

R. B. GROVER & Co.

BOOT AND SHOE WORKERS' UNION,

JOHN F. TOBIN,

General President.

HORACE M. EATON,

General Secretary-Treasurer.

The firm of R. B. Grover & Co. was notified of the filing of the application, and an attested copy was delivered to them by the clerk of the Board, with a request that they would inform the Board whether they would join in the application. The reply was that the question would be referred to legal counsel. On the next day following, the Hon. W. A. Reed, counsel for the firm, called and said that, for reasons stated by him, the firm declined to join formally in the application, and should there be a public hearing by the Board the counsel would appear and state the reasons which governed his clients, but for no other purpose. A public hearing was ordered by the Board to take place at the City Hall in Brockton on December 27,

and notice of the hearing was given through the medium of local newspapers, as well as to the parties directly. At the time and place appointed the petitioners appeared; also Mr. Reed, representing the firm. The latter, in answer to the Board, gave the reasons for declining to join in the arbitration at some length, substantially as follows:—

The firm does not appear for the purpose of joining in the application or taking part in the hearing. They decline to join, and are here by counsel appearing specially to explain why it is impossible for them to enter into the arbitration.

1. They have for business reasons entered into the agreement mentioned in the application which is and purports to be an agreement between R. B. Grover & Co. and the Boot and Shoe Workers' Union. These are the only parties to the contract.

2. Under the first clause of the agreement, the firm have received notice from the other party to the contract, that is, the Boot & Shoe Workers' Union, that the petitioners in the application are not members of that union in good standing; also under the second clause that certain men, whether members or not, are "objectionable to said union," and therefore should not be employed by the firm.

3. The firm considers that it is sufficient, for the purposes of the case in hand, that the men are "objectionable" to the union, and that fact being made evident the firm cannot hire them. In this point of view

the question whether the petitioners are union men in good standing, whatever be the fact, is immaterial.

4. The written contract is a legal obligation creating rights and liabilities as to each party, and the firm cannot enter into an agreement for arbitration with another and different body of men, independently of and without the consent of the other party to the subsisting agreement.

5. The real question at the root of the application is one that arises between the union as an organization and those who are or claim to be members of it. This is a legal question, apparently of some difficulty, but by the law creating the State Board its sphere of action was so defined as by inference to exclude "questions which may be the subject of a suit at law or bill in equity."

Thereupon the representative of the firm, as well as a representative of the Boot and Shoe Workers' Union, withdrew from the meeting, and upon the statement of the petitioners that they had employed counsel to represent them who was then actually engaged in the trial of a case in court, their suggestion of a postponement was acceded to. Before the meeting was dissolved, however, an informal discussion was had, in which the Board expressed itself as impressed by the legal and practical objections in the way of any efficient action by the Board, in view of the argument just presented,

and of the fact that the firm declined to become a party to the case as presented. Doubt was also expressed as to the propriety of proceeding further under the application without first laying the questions of law before the Attorney-General. Pending these considerations, the hearing was adjourned, for the purpose of enabling the counsel of the petitioners to confer at his convenience with the Board relative to the questions already raised and as to the advisability of resuming the hearing at some time to be fixed in the future.

The foregoing annual report is respectfully submitted.

CHARLES H. WALCOTT,
RICHARD P. BARRY,
CHARLES DANA PALMER,

State Board of Arbitration and Conciliation.

Boston, February 21, 1900.

APPENDIX.

APPENDIX.

In 1886 Massachusetts and New York established state boards of arbitration.

A statute of the United States, enacted in 1888, provided for the settlement of controversies between railroads and their employees through the services of special temporary tribunals known as "boards of arbitration or commission." To form a board of arbitration each party in interest chose a member, and the two members chose a third for chairman; but when the commission was formed the President of the United States appointed two members to act with the Commissioner of Labor, who was chairman *ex officio*. Such a commission in 1894, reporting on the Chicago Strike, recommended changes in the law, and suggested to the states "the adoption of some system of conciliation and arbitration like that in use in the Commonwealth of Massachusetts." In 1898 the law was repealed, its essential provisions were re-enacted and procedure was specified with greater elaboration. The statute of 1898 requires the Chairman of the Interstate Commerce Commission and the Commissioner of Labor to mediate in one way or another between the parties with a view to inducing them either to terminate their controversy by agreement or to refer it to the board of

arbitration. The board of arbitration, as under the former act, is constituted in the usual way; but when five days elapse without choice of a third member, the duty of making such a choice devolves upon the two mediators above mentioned.

Twenty-four states in the union have thus far made constitutional or statutory provision for mediation of one kind or another in the settlement of industrial disputes. Of these the statutes of the following seventeen contemplate the administration of conciliation and arbitration laws through permanent state boards: Massachusetts, New York, Montana, Michigan, California, New Jersey, Ohio, Louisiana, Wisconsin, Minnesota, Connecticut, Illinois, Utah, Indiana, Idaho, Colorado and Kansas.

The constitution of Wyoming directs the legislature to establish courts of arbitration to determine all differences between associations of laborers and their employers, and provides for appeals to the supreme court of the state from the decisions of compulsory boards of arbitration.

Compulsory arbitration was first enacted in Kansas in 1898. In case of strike the Court of Visitation, having the supervision of railroads and telegraphs, cites the officers of the company to appear and verify by oath the cause of the difficulty, the points of controversy, which if any act of the corporation was the occasion and what is the extent of the strike. If proper answer is made at the time fixed in the citation, the matter is heard upon evidence "without further delay summarily."

Finding the employer faultless, the decision is made public and it becomes unlawful for the strikers to interfere "by word or deed" with employees that have taken their places; but when the officers default or give an evasive or improper answer, or it is found on evidence that the company was "unreasonable, tyrannical, oppressive or unjust; and the strike resulted therefrom," a decree is entered commanding the employer to "proceed forthwith to perform its usual functions for the public convenience . . . as before the strike occurred." On failure of the corporation to obey the decree implicitly, "in full and in good faith," the Court of Visitation proceeds to operate the property through a receiver until the company is ready to resume its functions.

The laws of Kansas, Iowa, Pennsylvania and Texas authorize the law courts to appoint tribunals of voluntary arbitration; and such is the law of Maryland also, which, moreover, empowers the Board of Public Works to investigate industrial controversies when the employer is a corporation, indebted to, or incorporated by, that state; to propose arbitration to the opposing parties, and if the proposition is accepted, to provide in due form for referring the case; but if either party refuse to submit to arbitration, it becomes the duty of the Board of Public Works to ascertain the cause of the controversy and report the same to the next legislature.

The law of Missouri authorizes the Commissioner of Labor Statistics to form local boards of arbitration, and,

as in North Dakota, to mediate between employer and employed, if requested to do so by either, whenever a difference exists which results or threatens to result in a strike or lockout. In Nebraska it is the duty of such officer to examine into the causes of strikes and lockouts.

Following are the laws, etc., relating to mediation in industrial controversies : —

UNITED STATES.

[Public Laws, 1898.]

Chap. 370.—An Act Concerning carriers engaged in interstate commerce and their employees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of this Act shall apply to any common carrier or carriers and their officers, agents, and employees, except masters of vessels and seamen, as defined in section forty-six hundred and twelve, Revised Statutes of the United States, engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water, for a continuous carriage or shipment, from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States.

The term "railroad" as used in this Act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "transportation" shall include all instrumentalities of shipment or carriage.

The term "employees" as used in this Act shall include all persons actually engaged in any capacity in train operation or train service of any description, and notwithstanding that the cars upon or in which they are employed may be held and operated by the carrier under lease or other contract: *Provided, however,* That this Act shall not be held to apply to employees of street railroads and shall apply only to employees engaged in railroad train service. In every such case the carrier shall be responsible for the acts and defaults of such employees in the same manner and to the same extent as if said cars were owned by it and said employees directly employed by it, and any provisions to the contrary of any such lease or other contract shall be binding only as between the parties thereto and shall not affect the obligations of said carrier either to the public or to the private parties concerned.

SEC. 2. Whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between a car-

rier subject to this Act and the employees of such carrier, seriously interrupting or threatening to interrupt the business of said carrier, the chairman of the Interstate Commerce Commission and the Commissioner of Labor shall, upon the request of either party to the controversy, with all practicable expedition, put themselves in communication with the parties to such controversy, and shall use their best efforts, by mediation and conciliation, to amicably settle the same; and if such efforts shall be unsuccessful, shall at once endeavor to bring about an arbitration of said controversy in accordance with the provisions of this Act.

SEC. 3. Whenever a controversy shall arise between a carrier subject to this Act and the employees of such carrier which cannot be settled by mediation and conciliation in the manner provided in the preceding section, said controversy may be submitted to the arbitration of a board of three persons, who shall be chosen in the manner following: One shall be named by the carrier or employer directly interested; the other shall be named by the labor organization to which the employees directly interested belong, or, if they belong to more than one, by that one of them which specially represents employees of the same grade and class and engaged in services of the same nature as said employees so directly interested: *Provided, however,* That when a controversy involves and affects the interests of two or more classes and grades of employees belonging to different labor organizations, such arbitrator shall be agreed upon and designated by the concurrent action of all such labor organizations; and in cases where the majority of such employees are not members of any labor organization, said employees may by a majority vote select a committee of their own number, which committee shall have the right to select the arbitrator on behalf of said employees. The two thus chosen shall select the third commissioner of arbitration; but, in the event of their failure to name such arbitrator within five days after their first meeting, the third arbitrator shall be named by the commissioners named in the preceding section. A majority of said arbitrators shall be competent to make a valid and binding award under the provisions hereof. The submission shall be in writing, shall be signed by the employer and by the labor organization representing the employees, shall specify the time and place of meeting of said board of arbitration, shall state the questions to be decided, and shall contain appropriate provisions by which the respective parties shall stipulate, as follows:

First. That the board of arbitration shall commence their hearings within ten days from the date of the appointment of the third arbitrator, and shall find and file their award, as provided in this section, within thirty days from the date of the appointment of the third arbitrator; and that pending the arbitration the status existing immediately prior to the dispute shall not be changed: *Provided*, That no employee shall be compelled to render personal service without his consent.

Second. That the award and the papers and proceedings, including the testimony relating thereto certified under the hands of the arbitrators and which shall have the force and effect of a bill of exceptions, shall be filed in the clerk's office of the circuit court of the United States for the district wherein the controversy arises or the arbitration is entered into, and shall be final and conclusive upon both parties, unless set aside for error of law apparent on the record.

Third. That the respective parties to the award will each faithfully execute the same, and that the same may be specifically enforced in equity so far as the powers of a court of equity permit: *Provided*, That no injunction or other legal process shall be issued which shall compel the performance by any laborer against his will of a contract for personal labor or service.

Fourth. That employees dissatisfied with the award shall not by reason of such dissatisfaction quit the service of the employer before the expiration of three months from and after the making of such award without giving thirty days' notice in writing of their intention so to quit. Nor shall the employer dissatisfied with such award dismiss any employee or employees on account of such dissatisfaction before the expiration of three months from and after the making of such award without giving thirty days' notice in writing of his intention so to discharge.

Fifth. That said award shall continue in force as between the parties thereto for the period of one year after the same shall go into practical operation, and no new arbitration upon the same subject between the same employer and the same class of employees shall be had until the expiration of said one year if the award is not set aside as provided in section four. That as to individual employees not belonging to the labor organization or organizations which shall enter into the arbitration, the said arbitration and the award made therein shall not be binding, unless the said individual employees shall give assent in writing to become parties to said arbitration.

SEC. 4. The award being filed in the clerk's office of a circuit court of the United States, as hereinbefore provided, shall go into practical operation, and judgment shall be entered thereon accordingly at the expiration of ten days from such filing, unless within such ten days either party shall file exceptions thereto for matter of law apparent upon the record, in which case said award shall go into practical operation and judgment be entered accordingly when such exceptions shall have been finally disposed of either by said circuit court or on appeal therefrom.

At the expiration of ten days from the decision of the circuit court upon exceptions taken to said award, as aforesaid, judgment shall be entered in accordance with said decision unless during said ten days either party shall appeal therefrom to the circuit court of appeals. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said exceptions and to be decided.

The determination of said circuit court of appeals upon said questions shall be final, and being certified by the clerk thereof to said circuit court, judgment pursuant thereto shall thereupon be entered by said circuit court.

If exceptions to an award are finally sustained, judgment shall be entered setting aside the award. But in such case the parties may agree upon a judgment to be entered disposing of the subject-matter of the controversy, which judgment when entered shall have the same force and effect as judgment entered upon an award.

SEC. 5. For the purposes of this Act the arbitrators herein provided for, or either of them, shall have power to administer oaths and affirmations, sign subpœnas, require the attendance and testimony of witnesses, and the production of such books, papers, contracts, agreements, and documents material to a just determination of the matters under investigation as may be ordered by the court; and may invoke the aid of the United States courts to compel witnesses to attend and testify and to produce such books, papers, contracts, agreements and documents to the same extent and under the same conditions and penalties as is provided for in the Act to regulate commerce, approved February fourth, eighteen hundred and eighty-seven, and the amendments thereto.

SEC. 6. Every agreement of arbitration under this act shall be acknowledged by the parties before a notary public or clerk

of a district or circuit court of the United States, and when so acknowledged a copy of the same shall be transmitted to the chairman of the Interstate Commerce Commission, who shall file the same in the office of said commission.

Any agreement of arbitration which shall be entered into conforming to this Act, except that it shall be executed by employees individually instead of by a labor organization as their representative, shall, when duly acknowledged as herein provided, be transmitted to the chairman of the Interstate Commerce Commission, who shall cause a notice in writing to be served upon the arbitrators, fixing a time and place for a meeting of said board, which shall be within fifteen days from the execution of said agreement of arbitration: *Provided, however,* That the said chairman of the Interstate Commerce Commission shall decline to call a meeting of arbitrators under such agreement unless it be shown to his satisfaction that the employees signing the submission represent or include a majority of all employees in the service of the same employer and of the same grade and class, and that an award pursuant to said submission can justly be regarded as binding upon all such employees.

SEC. 7. During the pendency of arbitration under this Act it shall not be lawful for the employer, party to such arbitration, to discharge the employees, parties thereto, except for inefficiency, violation of law, or neglect of duty; nor for the organization representing such employees to order, nor for the employees to unite in, aid, or abet, strikes against said employer; nor, during a period of three months after an award under such an arbitration, for such employer to discharge any such employees, except for the causes aforesaid, without giving thirty days' written notice of an intent so to discharge; nor for any of such employees, during a like period, to quit the service of said employer without just cause, without giving to said employer thirty days' written notice of an intent so to do; nor for such organization representing such employees to order, counsel, or advise otherwise. Any violation of this section shall subject the offending party to liability for damages: *Provided,* That nothing herein contained shall be construed to prevent any employer, party to such arbitration, from reducing the number of its or his employees whenever in its or his judgment business necessities require such reduction.

SEC. 8. In every incorporation under the provisions of chapter five hundred and sixty-seven of the United States Statutes

of eighteen hundred and eighty-five and eighteen hundred and eighty-six it must be provided in the articles of incorporation and in the constitution, rules, and by-laws that a member shall cease to be such by participating in or by instigating force or violence against persons or property during strikes, lockouts, or boycotts, or by seeking to prevent others from working through violence, threats, or intimidations. Members of such incorporations shall not be personally liable for the acts, debts, or obligations of the corporations, nor shall such corporations be liable for the acts of members or others in violation of law; and such corporations may appear by designated representatives before the board created by this Act, or in any suits or proceedings for or against such corporations or their members in any of the Federal courts.

SEC. 9. Whenever receivers appointed by Federal courts are in the possession and control of railroads, the employees upon such railroads shall have the right to be heard in such courts upon all questions affecting the terms and conditions of their employment, through the officers and representatives of their associations, whether incorporated or unincorporated, and no reduction of wages shall be made by such receivers without the authority of the court therefor upon notice to such employees, said notice to be not less than twenty days before the hearing upon the receivers' petition or application, and to be posted upon all customary bulletin boards along or upon the railway operated by such receiver or receivers.

SEC. 10. Any employer subject to the provisions of this Act and any officer, agent, or receiver of such employer who shall require any employee, or any person seeking employment, as a condition of such employment, to enter into an agreement, either written or verbal, not to become or remain a member of any labor corporation, association, or organization; or shall threaten any employee with loss of employment, or shall unjustly discriminate against any employee because of his membership in such a labor corporation, association, or organization; or who shall require any employee or any person seeking employment, as a condition of such employment, to enter into a contract whereby such employee or applicant for employment shall agree to contribute to any fund for charitable, social, or beneficial purposes; to release such employer from legal liability for any personal injury by reason of any benefit received from such fund beyond the proportion of the benefit

arising from the employer's contribution to such fund ; or who shall, after having discharged an employee, attempt or conspire to prevent such employee from obtaining employment, or who shall, after the quitting of an employee, attempt or conspire to prevent such employee from obtaining employment, is hereby declared to be guilty of a misdemeanor, and, upon conviction thereof in any court of the United States of competent jurisdiction in the district in which such offense was committed, shall be punished for each offense by a fine of not less than one hundred dollars and not more than one thousand dollars.

SEC. 11. Each member of said board of arbitration shall receive a compensation of ten dollars per day for the time he is actually employed, and his traveling and other necessary expenses ; and a sum of money sufficient to pay the same, together with the traveling and other necessary and proper expenses of any conciliation or arbitration had hereunder, not to exceed ten thousand dollars in any one year, to be approved by the chairman of the Interstate Commerce Commission and audited by the proper accounting officers of the Treasury, is hereby appropriated for the fiscal years ending June thirtieth, eighteen hundred and ninety-eight, and June thirtieth, eighteen hundred and ninety-nine, out of any money in the Treasury not otherwise appropriated.

SEC. 12. The Act to create boards of arbitration or commission for settling controversies and differences between railroad corporations and other common carriers engaged in interstate or territorial transportation of property or persons and their employees, approved October first, eighteen hundred and eighty-eight, is hereby repealed.

Approved, June 1, 1898.

MASSACHUSETTS.

The law of the state concerning arbitration is as follows, being chapter 263 of the Acts of 1886, approved June 2, entitled, " An Act to provide for a State Board of Arbitration, for the settlement of differences between employers and their employees," as amended by St. 1887, chapter 269 ; St. 1888, chapter 261 ; and St. 1890, chapter 385 ; also St. 1892, chapter 382.

SECTION 1. The governor, with the advice and consent of the council, shall, on or before the first day of July in the year eighteen hundred and eighty-six, appoint three competent persons to serve as a state board of arbitration and conciliation in the manner hereinafter provided. One of them shall be an employer or selected from some association representing employers of labor, one of them shall be selected from some labor organization and not an employer of labor, the third shall be appointed upon the recommendation of the other two: *provided, however*, that if the two appointed do not agree on the third man at the expiration of thirty days, he shall then be appointed by the governor. They shall hold office for one year or until their successors are appointed. On the first day of July in the year eighteen hundred and eighty-seven the governor, with the advice and consent of the council, shall appoint three members of said board in the manner above provided, one to serve for three years, one for two years and one for one year, or until their respective successors are appointed; and on the first day of July in each year thereafter the governor shall in the same manner appoint one member of said board to succeed the member whose term then expires, and to serve for the term of three years or until his successor is appointed. If a vacancy occurs at any time, the governor shall in the same manner appoint some one to serve out the unexpired term; and he may in like manner remove any member of said board. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge thereof. They shall at once organize by the choice of one of their number as chairman. Said board may appoint and remove a clerk of the board, who shall receive such salary as may be allowed by the board, but not exceeding twelve hundred dollars a year.

SECT. 2. The board shall, as soon as possible after its organization, establish such rules of procedure as shall be approved by the governor and council.

SECT. 3. Whenever any controversy or difference not involving questions which may be the subject of a suit at law or bill in equity, exists between an employer, whether an individual, copartnership or corporation, and his employees, if at the time he employs not less than twenty-five persons in the same general line of business in any city or town in this Commonwealth, the board shall, upon application as hereinafter pro-

vided, and as soon as practicable thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the said board shall cause a copy thereof to be filed with the clerk of the city or town where said business is carried on.

SECT. 4. Said application shall be signed by said employer or by a majority of his employees in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work without any lock-out or strike until the decision of said board, if it shall be made within three weeks of the date of filing said application. When an application is signed by an agent claiming to represent a majority of such employees, the board shall satisfy itself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving such authority shall be kept secret by said board. As soon as may be after the receipt of said application the secretary of said board shall cause public notice to be given of the time and place for the hearing thereon; but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order; and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request.

When notice has been given as aforesaid, each of the parties to the controversy, the employer on the one side, and the employees interested on the other side, may in writing nominate, and the board may appoint, one person to act in the case as expert assistant to the board. The two persons so appointed shall be skilled in and conversant with the business or trade concerning which the dispute has arisen. It shall be their duty, under the direction of the board, to obtain and report to the

board information concerning the wages paid and the methods and grades of work prevailing in manufacturing establishments within the Commonwealth of a character similar to that in which the matters in dispute have arisen. Said expert assistants shall be sworn to the faithful discharge of their duty; such oath to be administered by any member of the board, and a record thereof shall be preserved with the record of the proceedings in the case. They shall be entitled to receive from the treasury of the Commonwealth such compensation as shall be allowed and certified by the board, together with all necessary travelling expenses.* Nothing in this act shall be construed to prevent the board from appointing such other additional expert assistant or assistants as it may deem necessary. Should the petitioner or petitioners fail to perform the promise made in said application, the board shall proceed no further thereupon without the written consent of the adverse party. The board shall have power to summon as witness any operative in the departments of business affected and any person who keeps the records of wages earned in those departments, and to examine them under oath, and to require the production of books containing the record of wages paid. Summonses may be signed and oaths administered by any member of the board.

SECT. 5. Upon the receipt of such application and after such notice, the board shall proceed as before provided, and render a written decision, which shall be open to public inspection, shall be recorded upon the records of the board, and published at the discretion of the same in an annual report to be made to the general court on or before the first day of February in each year.

SECT. 6. Said decision shall be binding upon the parties who join in said application for six months, or until either party has given the other notice in writing of his intention not to be bound by the same at the expiration of sixty days therefrom. Said notice may be given to said employees by posting the same in three conspicuous places in the shop or factory where they work.

SECT. 7. The parties to any controversy or difference as described in section three of this act may submit the matters in dispute, in writing, to a local board of arbitration and concilia-

* See further as to experts, their duties and compensation, St. 1892, c. 382, *post*.

tion; such board may either be mutually agreed upon, or the employer may designate one of the arbitrators, the employees or their duly authorized agent another, and the two arbitrators so designated may choose a third, who shall be chairman of the board. Such board shall, in respect to the matters referred to it, have and exercise all the powers which the state board might have and exercise, and its decision shall have whatever binding effect may be agreed by the parties to the controversy in the written submission. The jurisdiction of such board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the state board. The decision of such board shall be rendered within ten days of the close of any hearing held by it; such decision shall at once be filed with the clerk of the city or town in which the controversy or difference arose, and a copy thereof shall be forwarded to the state board. Each of such arbitrators shall be entitled to receive from the treasury of the city or town in which the controversy or difference that is the subject of the arbitration exists, if such payment is approved in writing by the mayor of such city or the board of selectmen of such town, the sum of three dollars for each day of actual service, not exceeding ten days for any one arbitration. Whenever it is made to appear to the mayor of a city or the board of selectmen of a town that a strike or lock-out such as described in section eight of this act is seriously threatened or actually occurs, the mayor of such city or the board of selectmen of such town shall at once notify the state board of the facts.

SECT. 8. Whenever it shall come to the knowledge of the state board, either by notice from the mayor of a city or the board of selectmen of a town, as provided in the preceding section or otherwise, that a strike or lock-out is seriously threatened or has actually occurred in any city or town of the Commonwealth, involving an employer and his present or past employees, if at the time he is employing, or up to the occurrence of the strike or lock-out was employing, not less than twenty-five persons in the same general line of business in any city or town in the Commonwealth, it shall be the duty of the state board to put itself in communication as soon as may be with such employer and employees, and endeavor by mediation to effect an amicable settlement between them, or to endeavor to persuade them, provided that a strike or lock-out has not

actually occurred or is not then continuing, to submit the matters in dispute to a local board of arbitration and conciliation, as above provided, or to the state board; and said state board may, if it deems it advisable, investigate the cause or causes of such controversy, and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes, and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given it by section three of this act.

SECT. 9. Witnesses summoned by the state board shall be allowed the sum of fifty cents for each attendance, and the further sum of twenty-five cents for each hour of attendance in excess of two hours, and shall be allowed five cents a mile for travel each way from their respective places of employment or business to the place where the board is in session. Each witness shall certify in writing the amount of his travel and attendance, and the amount due him shall be paid forthwith by the board, and for such purpose the board shall be entitled to draw from the treasury of the Commonwealth, as provided for in chapter one hundred and seventy-nine of the acts of the year eighteen hundred and eighty-four.

SECT. 10. The members of said state board shall until the first day of July in the year eighteen hundred and eighty-seven be paid five dollars a day each for each day of actual service; and on and after said date they shall each receive a salary at the rate of two thousand dollars a year, to be paid out of the treasury of the Commonwealth; and both before and after said date they shall be allowed their necessary travelling and other expenses, which shall be paid out of the treasury of the Commonwealth.

[St. 1892, CHAPTER 382.]

An Act relating to the duties and compensation of expert assistants appointed by the state board of arbitration and conciliation.

Be it enacted, etc., as follows:

SECTION 1. In all controversies between an employer and his employees in which application is made to the state board of arbitration and conciliation, as provided by section four of chapter two hundred and sixty-three of the acts of the year eighteen

hundred and eighty-six as amended by section three of chapter two hundred and sixty-nine of the acts of the year eighteen hundred and eighty-seven, and by section one of chapter three hundred and eighty-five of the acts of the year eighteen hundred and ninety, said board shall appoint a fit person to act in the case as expert assistant to the board. Said expert assistants shall attend the sessions of said board when required, and no conclusion shall be announced as a decision of said board, in any case where such assistants have acted, until after notice given to them, by mail or otherwise, appointing a time and place for a final conference between said board and expert assistant on the matters included in the proposed decision. Said expert assistants shall be privileged to submit to the board, at any time before a final decision shall be determined upon and published, any facts, advice, arguments or suggestions which they may deem applicable to the case. They shall be sworn to the faithful discharge of their duties by any member of said board, and a record thereof shall be preserved with the record of the proceedings in the case. They shall be entitled to receive for their services from the treasury of the Commonwealth the sum of seven dollars for each day of actual service, together with all their necessary travelling expenses.

SECT. 2. This act shall take effect upon its passage. [*Approved June 15, 1892.*]

NEW YORK.

The state board established in 1886 now acts under the Labor Law of 1897, a revision and consolidation of previous enactments.

[CHAPTER 415.]

An Act in relation to labor, constituting chapter thirty-two of the general laws. [*Became a law May 13, 1897, with the approval of the Governor. Passed, a majority being present.*]

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

CHAPTER XXXII. OF THE GENERAL LAWS.

THE LABOR LAW.

Article I. General provisions (§§ 1-20).

II. Commissioner of labor statistics (§§ 30-32).

III. Public employment bureau (§§ 40-44).

- Article IV.** Convict-made goods and duties of commissioner of labor statistics relative thereto (§§ 50-54).
- V.** Factory inspector, assistant and deputies (§§ 60-70).
- VI.** Factories (§§ 70-91).
- VII.** Tenement-made articles (§§ 100-104).
- VIII.** Bakery and confectionery establishments (§§ 110-115).
- IX.** Mines and their inspection (§§ 120-129).
- X.** State board of mediation and arbitration (§§ 140-149).
- XI.** Employment of women and children in mercantile establishments (§§ 160-173).
- XII.** Examination and registration of horseshoers (§§ 180-184).
- XIII.** Laws repealed; when to take effect (§§ 190-191).

ARTICLE X—STATE BOARD OF MEDIATION AND ARBITRATION.

Section 140. Organization of board.

141. Secretary and his duties.
142. Arbitration by the board.
143. Mediation in case of strike or lock-out.
144. Decisions of board.
145. Annual report.
146. Submission of controversies to local arbitrators.
147. Consent; oath; powers of arbitrators.
148. Decision of arbitrators.
149. Appeals.

SECTION 140. Organization of board.—There shall continue to be a state board of mediation and arbitration, consisting of three competent persons to be known as arbitrators, appointed by the governor, by and with the advice and consent of the senate, each of whom shall hold his office for the term of three years, and receive an annual salary of three thousand dollars. The term of office of the successors of the members of such board in office when this chapter takes effect, shall be abridged so as to expire on the thirty-first day of December preceding the time when each such term would otherwise expire, and thereafter each term shall begin on the first day of January.

One member of such board shall belong to the political party casting the highest, and one to the party casting the next highest number of votes for governor at the next preceding gubernatorial election. The third shall be a member of an incorporated labor organization of this state.

Two members of such board shall constitute a quorum for the transaction of business, and may hold meetings at any time

or place within the state. Examinations or investigations ordered by the board may be held and taken by and before any of their number, if so directed, but a decision rendered in such a case shall not be deemed conclusive until approved by the board.

§ 141. **Secretary and his duties.**—The board shall appoint a secretary, whose term of office shall be three years. He shall keep a full and faithful record of the proceedings of the board, and all documents and testimony forwarded by the local boards of arbitration, and shall perform such other duties as the board may prescribe. He may, under the direction of the board, issue subpoenas and administer oaths in all cases before the board, and call for and examine books, papers and documents of any parties to the controversy.

He shall receive an annual salary of two thousand dollars, payable in the same manner as that of the members of the board.

§ 142. **Arbitration by the board.**—A grievance or dispute between an employer and his employes may be submitted to the board of arbitration and mediation for their determination and settlement. Such submission shall be in writing, and contain a statement in detail of the grievance or dispute and the cause thereof, and also an agreement to abide the determination of the board, and during the investigation to continue in business or at work, without a lock-out or strike.

Upon such submission the board shall examine the matter in controversy. For the purpose of such inquiry they may subpoena witnesses, compel their attendance and take and hear testimony. Witnesses shall be allowed the same fees as in courts of record. The decision of the board must be rendered within ten days after the completion of the investigation.

§ 143. **Mediation in case of strike or lock-out.**—Whenever a strike or lock-out occurs or is seriously threatened, the board shall proceed as soon as practicable to the locality thereof, and endeavor, by mediation, to effect an amicable settlement of the controversy. It may inquire into the cause thereof, and for that purpose has the same power as in the case of a controversy submitted to it for arbitration.

§ 144. **Decisions of board.**—Within ten days after the completion of every examination or investigation authorized by this article, the board or majority thereof shall render a decision, stating such details as will clearly show the nature of the controversy and the points disposed of by them, and make a written

report of their findings of fact and of their recommendations to each party to the controversy.

Every decision and report shall be filed in the office of the board and a copy thereof served upon each party to the controversy, and in case of a submission to arbitration, a copy shall be filed in the office of the clerk of the county or counties where the controversy arose.

§ 145. **Annual report.** — The board shall make an annual report to the legislature, and shall include therein such statements and explanations as will disclose the actual work of the board, the facts relating to each controversy considered by them and the decision thereon, together with such suggestions as to legislation as may seem to them conducive to harmony in the relations of employers and employees.

§ 146. **Submission of controversies to local arbitrators.** — A grievance or dispute between an employer and his employees may be submitted to a board of arbitrators, consisting of three persons, for hearing and settlement. When the employees concerned are members in good standing of a labor organization, which is represented by one or more delegates in a central body, one arbitrator may be appointed by such central body and one by the employer. The two so designated shall appoint a third, who shall be chairman of the board.

If the employees concerned in such grievance or dispute are members of good standing of a labor organization which is not represented in a central body, the organization of which they are members may select and designate one arbitrator. If such employees are not members of a labor organization, a majority thereof, at a meeting duly called for that purpose, may designate one arbitrator for such board.

§ 147. **Consent; oath; powers of arbitrators.** — Before entering upon his duties, each arbitrator so selected shall sign a consent to act and take and subscribe an oath to faithfully and impartially discharge his duties as such arbitrator, which consent and oath shall be filed in the clerk's office of the county or counties where the controversy arose. When such board is ready for the transaction of business, it shall select one of its members to act as secretary, and notice of the time and place of hearing shall be given to the parties to the controversy.

The board may, through its chairman, subpoena witnesses, compel their attendance and take and hear testimony.

The board may make and enforce rules for its government and the transaction of the business before it, and fix its sessions and adjournments.

§ 148. **Decision of arbitrators.**—The board shall, within ten days after the close of the hearing, render a written decision, signed by them, giving such details as clearly show the nature of the controversy and the questions decided by them. Such decision shall be a settlement of the matter submitted to such arbitrators, unless within ten days thereafter an appeal is taken therefrom to the state board of mediation and arbitration.

One copy of the decision shall be filed in the office of the clerk of the county or counties where the controversy arose, and one copy shall be transmitted to the secretary of the state board of mediation and arbitration.

§ 149. **Appeals.**—The state board of mediation and arbitration shall hear, consider and investigate every appeal to it from any such board of local arbitrators, and its decisions shall be in writing and a copy thereof filed in the clerk's office of the county or counties where the controversy arose, and duplicate copies served upon each party to the controversy. Such decision shall be final and conclusive upon all parties to the arbitration.

MONTANA.

There was a law in Montana, approved Feb. 28, 1887, entitled "An Act to provide for a territorial board of arbitration for the settlement of differences between employers and employees." The Legislative Assembly of the territory on March 14, 1889, created a commission to codify laws and procedure, and to revise, simplify and consolidate statutes; and Montana became a state on November 8 of the same year.

The following is the law relating to arbitration of industrial disputes, as it appears in "The Codes and Statutes of Montana in force July 1, 1895."

THE POLITICAL CODE.

[Part III, Title VII, Chapter XIX.]

§ 3330. There is a state board of arbitration and conciliation consisting of three members, whose term of office is two

years and until their successors are appointed and qualified. The board must be appointed by the governor, with the advice and consent of the senate. If a vacancy occurs at any time the governor shall appoint some one to serve out the unexpired term, and he may in like manner remove any member of said board. [§ 3330. *Act approved March 15, 1895.*]

§ 3331. One of the board must be an employer, or selected from some association representing employers of labor; and one of them must be a laborer, or selected from some labor organization, and not an employer of labor, and the other must be a disinterested citizen.

§ 3332. The members of the board must, before entering upon the duties of their office, take the oath required by the constitution. They shall at once organize by the choice of one of their number as chairman. Said board may appoint and remove a clerk of the board, who shall receive such compensation as may be allowed by the board, but not exceeding five dollars per day for the time employed. The board shall, as soon as possible after its organization, establish such rules or modes of procedure as are necessary, subject to the approval of the governor. [§ 3332. *Act approved March 15, 1895.*]

§ 3333. Whenever any controversy or dispute, not involving questions which may be the subject of a civil action, exists between an employer (if he employs twenty or more in the same general line of business in the state) and his employes, the board must, on application as is hereinafter provided, visit the locality of the dispute and make inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done, by either or both, to adjust said dispute, and the board must make a written decision thereon. The decision must at once be made public, and must be recorded in a book kept by the clerk of the board, and a statement thereof published in the annual report, and the board must cause a copy thereof to be filed with the clerk of the county where the dispute arose.

§ 3334. The application to the board of arbitration and conciliation must be signed by the employer, or by a majority of his employes in the department of the business in which the controversy or difference exists, or their duly authorized agent or by both parties, and shall contain a concise statement of the

grievances complained of, and a promise to continue on in business or at work without any lockout or strike until the decision of said board if it shall be made within four weeks of the date of filing said application. When an application is signed by an agent claiming to represent a majority of such employes, the board shall satisfy itself that such agent is duly authorized in writing to represent such employes, but the names of the employes giving such authority shall be kept secret by said board; as soon as may be after the receipt of said application the secretary of said board shall cause public notice to be given for the time and place for the hearing thereon; but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given; when such request is made notice shall be given to the parties interested in such manner as the board may order; and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. When notice has been given as aforesaid, each of the parties to the controversy, the employer on one side, and the employes interested on the other side, may in writing nominate, and the board may appoint, one person to act in the case as expert assistant to the board.

The two persons so appointed shall be skilled in and conversant with the business or trade concerning which the dispute has arisen. It shall be their duty, under the direction of the board, to obtain and report to the board, information concerning the wages paid, the hours of labor and the methods and grades of work prevailing in manufacturing establishments, or other industries or occupations, within the state of a character similar to that in which the matters in dispute have arisen. Said expert assistants shall be sworn to the faithful discharge of their duty; such oath to be administered by any member of the board, and a record thereof shall be preserved with the record of the proceedings in the case. They shall be entitled to receive from the treasury of the state such compensation as shall be allowed and certified by the board not exceeding ——— dollars per day, together with all necessary traveling expenses. Nothing in this act shall be construed to prevent the board from appointing such other additional expert assistant or assistants as it may deem necessary, who shall be paid in like manner. Should the petitioner or petitioners fail to

perform the promise made in said application, the board shall proceed no further thereupon without the written consent of the adverse party. The board shall have power to summon as witness any operative or employe in the department of business affected and any person who keeps the records of wages earned in those departments, and to examine them under oath, and to require the production of books containing the record of wages paid. Summons may be signed and oaths administered by any member of the board. [§ 3334. *Act approved March 15, 1895.*]

§ 3335. Upon the receipt of such application and after such notice, the board shall proceed as before provided, and render a written decision, which shall be open to public inspection, shall be recorded upon the records of the board, and published at the discretion of the same in an annual report to be made to the governor on or before the first day of December in each year. [§ 3335. *Act approved March 15, 1895.*]

§ 3336. Any decision made by the board is binding upon the parties who join in the application for six months, or until either party has given the other notice in writing of his intention not to be bound by the same at the expiration of sixty days therefrom. The notice must be given to employes by posting the same in three conspicuous places in the shop, office, factory, store, mill, or mine where the employes work.

§ 3337. The parties to any controversy or difference as described in § 3333 of this code may submit the matters in dispute, in writing, to a local board of arbitration and conciliation; such board may be either mutually agreed upon, or the employer may designate one of the arbitrators, the employes, or their duly authorized agent, another, and the two arbitrators so designated may choose a third, who shall be chairman of the board. Such board shall, in respect to the matters referred to it, have and exercise all the powers which the state board might have and exercise, and its decision shall whatever binding effect may be agreed by the parties to the controversy in the written submission. The jurisdiction of such board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the state board. The decision of such board shall be rendered within ten days of the close of any hearing held by it; such decision shall at once be filed with the clerk of the county in which the controversy or

difference arose, and a copy thereof shall be forwarded to the state board and entered on its records. Each of such arbitrators shall be entitled to receive from the treasury of the county in which the controversy or difference that is the subject of the arbitration exists, if such payment shall be approved by the commissioners of said county, the sum of three dollars for each day of actual service, not exceeding ten days for any one arbitration.

Whenever it is made to appear to the mayor of any city or two commissioners of any county, that a strike or lockout such as described hereafter in this section is seriously threatened or actually occurs, the mayor of such city, or said commissioners of such county, shall at once notify the state board of the fact.

Whenever it shall come to the knowledge of the state board, either by notice from the mayor of a city, or two or more commissioners of a county, as provided in this section, or otherwise, that a strike or lockout is seriously threatened or has actually occurred in any city or county of this state, involving an employer and his present or past employes, if at the time he is employing or up to the occurrence of the strike or lockout was employing not less than twenty persons in the same general line of business in any city, town or county in this state, it shall be the duty of the state board to put itself in communication as soon as may be with such employer and employes, and endeavor by mediation to effect an amicable settlement between them, or to endeavor to persuade them, providing that a strike or lockout has not actually occurred or is not then continuing, to submit the matters in dispute to a local board of arbitration and conciliation as above provided, or to the state board; and said state board may, if it deems it advisable, investigate the cause or causes of such controversy, and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes, and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given it by § 3333 of this code.

Witnesses summoned by the state board shall be allowed the sum of fifty cents for each attendance, and the further sum of twenty-five cents for each hour of attendance in excess of two hours, and shall be allowed five cents a mile for travel each way from their respective places of employment or business to

the place where the board is in session. Each witness shall certify in writing the amount of his travel and attendance, and the amount due him shall be (see § 9 of Massachusetts act and make such provision as deemed best) certified to the state board of examiners for auditing, and the same shall be paid as other expenses of the state from any moneys in the state treasury. [§ 3337. *Act approved March 15, 1895.*]

§ 3338. The arbitrators hereby created must be paid five dollars for each day of actual service and their necessary traveling expenses and necessary books or record, to be paid out of the treasury of the state, as by law provided.

MICHIGAN.

[Public Acts, 1889, No. 238.]

An Act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employes, and to authorize the creation of a State court of mediation and arbitration.

SECTION 1. *The people of the State of Michigan enact, That whenever any grievance or dispute of any nature shall arise between any employer and his employes, it shall be lawful to submit the same in writing to a court of arbitrators for hearing and settlement, in the manner hereinafter provided.*

SEC. 2. After the passage of this act the Governor may, whenever he shall deem it necessary, with the advice and consent of the Senate, appoint a State court of mediation and arbitration, to consist of three competent persons, who shall hold their terms of office, respectively, one, two and three years, and upon the expiration of their respective terms the said term of office shall be uniformly for three years. If any vacancy happens by resignation or otherwise he shall, in the same manner, appoint an arbitrator for the residue of the term. If the Senate shall not be in session at the time any vacancy shall occur or exist, the Governor shall appoint an arbitrator to fill the vacancy, subject to the approval of the Senate when convened. Said court shall have a clerk or secretary, who shall be appointed by the court, to serve three years, whose duty it shall be to keep a full and faithful record of the proceedings of the court and also all documents, and to perform such other duties as the said

court may prescribe. He shall have power, under the direction of the court, to issue subpoenas, to administer oaths in all cases before said court, to call for and examine all books, papers and documents of any parties to the controversy, with the same authority to enforce their production as is possessed by the courts of record, or the judges thereof, in this State. Said arbitrators and clerk shall take and subscribe the constitutional oath of office, and be sworn to the due and faithful performance of the duties of their respective offices before entering upon the discharge of the same. An office shall be set apart in the capitol by the person or persons having charge thereof, for the proper and convenient transaction of the business of said court.

SEC. 3. Any two of the arbitrators shall constitute a quorum for the transaction of business, and may hold meetings at any time or place within the State. Examinations or investigations ordered by the court may be held and taken by and before any one of their number, if so directed. But the proceedings and decisions of any single arbitrator shall not be deemed conclusive until approved by the court or a majority thereof. Each arbitrator shall have power to administer oaths.

SEC. 4. Whenever any grievance or dispute of any nature shall arise between any employer and his employes, it shall be lawful for the parties to submit the same directly to said State court, and shall jointly notify said court or its clerk, in writing, of such grievance or dispute. Whenever such notification to said court or its clerk is given, it shall be the duty of said court to proceed, with as little delay as possible, to the locality of such grievance or dispute, and inquire into the cause or causes of grievance or dispute. The parties to the grievance or dispute shall thereupon submit to said court, in writing, succinctly, clearly and in detail, their grievances and complaints, and the cause or causes thereof, and severally agree in writing to submit to the decision of said court as to matters so submitted, and a promise or agreement to continue on in business or at work, without a lockout or strike, until the decision of said court, provided it shall be rendered within ten days after the completion of the investigation. The court shall thereupon proceed to fully investigate and inquire into the matters in controversy, and to take testimony, under oath, in relation thereto, and shall have power, by its chairman or clerk, to administer oaths, to issue subpoenas for the attendance of witnesses, the production of books and papers, to the same

extent as such power is possessed by courts of record, or the judges thereof, in this State.

SEC. 5. After the matter has been fully heard the said board, or majority of its members, shall, within ten days, render a decision thereon in writing, signed by them, or a majority of them, stating such details as will clearly show the nature of the decision and the points disposed of by them. The decision shall be in triplicate, one copy of which shall be filed by the clerk of the court in the clerk's office of the county where the controversy arose, and one copy shall be served on each of the parties to the controversy.

SEC. 6. Whenever a strike or lockout shall occur or is seriously threatened, in any part of the State, and shall come to the knowledge of the court, it shall be its duty, and it is hereby directed to proceed, as soon as practicable, to the locality of such strike or lockout and put itself in communication with the parties to the controversy, and endeavor by mediation to effect an amicable settlement of such controversy; and, if in its judgment it is deemed best, to inquire into the cause or causes of the controversy, and to that end the court is hereby authorized to subpoena witnesses, compel their attendance, and send for persons and papers, in like manner and with the same powers as it is authorized to do by section four of this act.

SEC. 7. The fees of witnesses shall be one dollar for each day's attendance, and seven cents per mile traveled by the nearest route in getting to and returning from the place where attendance is required by the court, to be allowed by the board of State auditors upon the certificate of the court. All subpoenas shall be signed by the secretary of the court, and may be served by any person of full age authorized by the court to serve the same.

SEC. 8. Said court shall make a yearly report to the Legislature, and shall include therein such statements, facts and explanations as will disclose the actual working of the court, and such suggestions as to legislation, as may seem to them conducive to harmonizing the relations of, and disputes between, employers and the wage-earning.

SEC. 9. Each arbitrator shall be entitled to five dollars per day for actual service performed, payable from the treasury of the State. The clerk or secretary shall be appointed from one of their number, and shall receive an annual salary not to ex-

ceed twelve hundred dollars, without per diem, per year, payable in the same manner.

SEC. 10. Whenever the term "employer" or "employers" is used in this act it shall be held to include "firm" "joint stock association," "company" or "corporation," as fully as if each of the last named terms was expressed in each place. [*Approved July 3, 1889.*]

CALIFORNIA.

An Act to provide for a State Board of Arbitration for the settlement of differences between employers and employes, to define the duties of said Board, and to appropriate the sum of twenty-five hundred dollars therefor.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. On or before the first day of May of each year, the Governor of the State shall appoint three competent persons to serve as a State Board of Arbitration and Conciliation. One shall represent the employers of labor, one shall represent labor employes, and the third member shall represent neither, and shall be Chairman of the Board. They shall hold office for one year and until their successors are appointed and qualified. If a vacancy occurs, as soon as possible thereafter the Governor shall appoint some one to serve the unexpired term; *provided, however*, that when the parties to any controversy or difference, as provided in section two of this Act, do not desire to submit their controversy to the State Board, they may by agreement each choose one person, and the two shall choose a third, who shall be Chairman and umpire, and the three shall constitute a Board of Arbitration and Conciliation for the special controversy submitted to it, and shall for that purpose have the same powers as the State Board. The members of the said Board or Boards, before entering upon the duties of their office, shall be sworn to faithfully discharge the duties thereof. They shall adopt such rules of procedure as they may deem best to carry out the provisions of this Act.

SEC. 2. Whenever any controversy or difference exists between an employer, whether an individual, copartnership, or corporation, which, if not arbitrated, would involve a strike or

lockout, and his employés, the Board shall, upon application, as hereinafter provided, and as soon as practicable thereafter, visit, if necessary, the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either, or both, to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the board.

SEC. 3. Said application shall be signed by said employer, or by a majority of his employés in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work, without any lockout or strike, until the decision of said Board, which must, if possible, be made within three weeks of the date of filing the application. Immediately upon the receipt of said application, the Chairman of said Board shall cause public notice to be given of the time and place for hearing. Should the petitioners fail to keep the promise made therein, the Board shall proceed no further thereupon without the written consent of the adverse party. And the party violating the contract shall pay the extra cost of the Board entailed thereby. The Board may then reopen the case and proceed to the final arbitration thereof as provided in section two hereof.

SEC. 4. The decision rendered by the Board shall be binding upon the parties who join in the application for six months, or until either party has given the other a written notice of his intention not to be further bound by the conditions thereof after the expiration of sixty days or any time agreed upon by the parties, which agreement shall be entered as a part of the decision. Said notice may be given to the employés by posting a notice thereof in three conspicuous places in the shop or factory where they work.

SEC. 5. Both employers and employés shall have the right at any time to submit to the Board complaints of grievances and ask for an investigation thereof. The Board shall decide whether the complaint is entitled to a public investigation, and if they decide in the affirmative, they shall proceed to hear the testimony, after giving notice to all parties concerned, and

publish the result of their investigations as soon as possible thereafter.

SEC. 6. The arbitrators hereby created shall be paid five dollars per day for each day of actual service, and also their necessary traveling and other expenses incident to the duties of their office shall be paid out of the State Treasury; but the expenses and salaries hereby authorized shall not exceed the sum of twenty-five hundred dollars for the two years.

SEC. 7. The sum of twenty-five hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the expenses of the Board for the first two years after its organization.

SEC. 8. This Act shall take effect and be in force from and after its passage. [*Approved March 10, 1891.*]

NEW JERSEY.

An Act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employees, and to authorize the creation of a state board of arbitration.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any grievance or dispute of any nature growing out of the relation of employer and employee shall arise or exist between employer and employees, it shall be lawful to submit all matters respecting such grievance or dispute, in writing, to a board of arbitrators, to hear, adjudicate and determine the same; said board shall consist of five persons; when the employees concerned in any such grievance or dispute as aforesaid are members in good standing of any labor organization, which is represented by one or more delegates in a central body, the said central body shall have power to designate two of said arbitrators; and the employer shall have the power to designate two others of said arbitrators, and the said four arbitrators shall designate a fifth person as arbitrator, who shall be chairman of the board; in case the employees concerned in any such grievance or dispute as aforesaid are members in good standing of a labor organization which is not represented in a central body, then the organization of which they are members shall have the power to select and designate two arbi-

trators for said board, and said board shall be organized as hereinbefore provided; and in case the employees concerned in any such grievance or dispute as aforesaid are not members of any labor organization, then a majority of said employees, at a meeting duly held for that purpose, shall designate two arbitrators for said board, and the said board shall be organized as hereinbefore provided.

2. *And be it enacted*, That any board as aforesaid selected may present a petition to the county judge of the county where such grievances or disputes to be arbitrated may arise, signed by at least a majority of said board, setting forth in brief terms the nature of the grievance or dispute between the parties to said arbitration, and praying the license or order of such judge establishing and approving said board of arbitration; upon the presentation of said petition it shall be the duty of the said judge to make an order establishing such board of arbitration and referring the matters in dispute to it for hearing, adjudication and determination; the said petition and order or a copy thereof shall be filed in the office of the clerk of the county in which the said judge resides.

3. *And be it enacted*, That the arbitrators so selected shall sign a consent to act as such, and shall take and subscribe an oath before an officer authorized to administer oaths, to faithfully and impartially discharge his duties as such arbitrator, which consent and oath shall be immediately filed in the office of the clerk of the county wherein such arbitrators are to act; when the said board is ready for the transaction of business, it shall select one of its members to act as secretary, and the parties to the dispute shall receive notice of a time and place of hearing; the chairman shall have power to administer oaths and to issue subpoenas for the production of books and papers, and for the attendance of witnesses, to the same extent that such power is possessed by the courts of records or the judges thereof in this state; the board may make and enforce the rules for its government and transaction of the business before it and fix its sessions and adjournments, and shall hear and examine such witnesses as may be brought before the board, and such other proof as may be given relative to the matters in dispute.

4. *And be it enacted*, That after the matter has been fully heard, the said board or a majority of its members shall within ten days render a decision thereon, in writing, signed by them,

giving such details as will clearly show the nature of the decision and the matters adjudicated and determined; such adjudication and determination shall be a settlement of the matter referred to said arbitrators, unless an appeal is taken therefrom as hereinafter provided; the adjudication and determination shall be in duplicate, one copy of which shall be filed in the office of the clerk of the county, and the other transmitted to the secretary of the state board of arbitration hereinafter mentioned, together with the testimony taken before said board.

5. *And be it enacted*, That when the said board shall have rendered its adjudication and determination its powers shall cease, unless there may be in existence at the time other similar grievances or disputes between the same classes of persons mentioned in section one, and in such case such persons may submit their differences to the said board, which shall have power to act and adjudicate and determine the same as fully as if said board was originally created for the settlement of such other difference or differences.

6. *And be it enacted*, That within thirty days after the passage of this act the governor shall appoint a state board of arbitration, to consist of three competent persons, each of whom shall hold his office for the term of five years; one of said persons shall be selected from a bona fide labor organization of this state. If any vacancy happens, by resignation or otherwise, the governor shall, in the same manner, appoint an arbitrator for the residue of the term; said board shall have a secretary, who shall be appointed by and hold office during the pleasure of the board and whose duty shall be to keep a full and faithful record of the proceedings of the board and also possession of all documents and testimony forwarded by the local boards of arbitration, and perform such other duties as the said board may prescribe; he shall have power, under the direction of the board, to issue subpoenas, to administer oaths in all cases before said board, to call for and examine books, papers and documents of any parties to the controversy, with the same authority to enforce their production as is possessed by the courts of record, or the judges thereof, in this state; said arbitrators of said state board and the clerk thereof shall take and subscribe the constitutional oath of office, and be sworn to the due and faithful performance of the duties of their respective offices before entering upon the discharge of the same; an office

shall be set apart in the capitol by the person having charge thereof, for the proper and convenient transaction of the business of said board.

7. *And be it enacted*, That an appeal may be taken from the decision of any local board of arbitration within ten days after the filing of its adjudication and determination of any case; it shall be the duty of the said state board of arbitration to hear and consider appeals from the decisions of local boards and promptly to proceed to the investigation of such cases, and the adjudication and determination of said board thereon shall be final and conclusive in the premises upon all parties to the arbitration; such adjudications and determinations shall be in writing, and a copy thereof shall be furnished to each party; any two of the state board of arbitrators shall constitute a quorum for the transaction of business, and may hold meetings at any time or place within the state; examinations or investigations ordered by the state board may be held and taken by and before any one of their number if so directed; but the proceedings and decision of any single arbitrator shall not be deemed conclusive until approved by the board or a majority thereof; each arbitrator shall have power to administer oaths.

8. *And be it enacted*, That whenever any grievance or dispute of any nature shall arise between any employer and his employees, it shall be lawful for the parties to submit the same directly to said state board in the first instance, in case such parties elect to do so, and shall jointly notify said board or its clerk, in writing, of such election; whenever such notification to said board or its clerk is given, it shall be the duty of said board to proceed, with as little delay as possible, to the locality of such grievance or dispute, and inquire into the cause or causes of grievance or dispute; the parties to the grievance or dispute shall thereupon submit to said board, in writing, succinctly, clearly and in detail, their grievances and complaints, and the cause or causes thereof, and severally agree, in writing, to submit to the decision of said board as to matters so submitted, and a promise or agreement to continue on in business or at work, without a lockout or strike until the decision of said board, provided it shall be rendered within ten days after the completion of the investigation; the board shall thereupon proceed to fully investigate and inquire into the matters in controversy, and to take testimony under oath in relation thereto,

and shall have power by its chairman or clerk, to administer oaths, to issue subpoenas for the attendance of witnesses, the production of books and papers, to the same extent as such power is possessed by courts of record, or the judges thereof, in this State.

9. *And be it enacted*, That after the matter has been fully heard, the said board, or a majority of its members, shall, within ten days, render a decision thereon in writing, signed by them or a majority of them, stating such details as will clearly show the nature of the decision, and the points disposed of by them; the decision shall be in triplicate, one copy of which shall be filed by the clerk of the board in the clerk's office of the county where the controversy arose, and one copy shall be served on each of the parties to the controversy.

10. *And be it enacted*, That whenever a strike or lockout shall occur or is seriously threatened in any part of the state, and shall come to the knowledge of the board, it shall be its duty, and it is hereby directed to proceed, as soon as practicable, to the locality of such strike or lockout and put itself in communication with the parties to the controversy, and endeavor by mediation to effect an amicable settlement of such controversy; and, if in its judgment it is deemed best, to inquire into the cause of the controversy, and to that end the board is hereby authorized to subpoena witnesses, compel their attendance, and send for persons and papers, in like manner and with the same powers as it is authorized to do by section eight of this act.

11. *And be it enacted*, That the fees of witnesses of aforesaid state board shall be fifty cents for each day's attendance and four cents per mile traveled by the nearest route in getting to or returning from the place where attendance is required by the board; all subpoenas shall be signed by the secretary of the board and may be served by any person of full age, authorized by the board to serve the same.

12. *And be it enacted*, That said board shall annually report to the legislature, and shall include in their report such statements, facts and explanations as will disclose the actual working of the board, and such suggestions with regard to legislation as may seem to them conducive to harmonizing the relations of and disputes between employers and employees, and the improvement of the present system of production by labor.

13. *And be it enacted*, That each arbitrator of the state board and the secretary thereof shall receive ten dollars for each and every day actually employed in the performance of his duties herein and actual expenses incurred, including such rates of mileage as are now provided by law, payable by the state treasurer on duly approved vouchers.

14. *And be it enacted*, That whenever the term "employer" or "employers" is used in this act it shall be held to include "firm," "joint stock association," "company," "corporation," or "individual and individuals," as fully as if each of said terms was expressed in each place.

15. *And be it enacted*, That this act shall take effect immediately. [*Approved March 24, 1892. P. L., Chap. 137.*]

A Supplement to an act entitled "An act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employees, and to authorize the creation of a state board of arbitration," approved March twenty-fourth, eighteen hundred and ninety-two, and to end the term of office of any person or persons appointed under this act.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Samuel S. Sherwood, William M. Doughty, James Martin, Charles A. Houston, Joseph L. Moore be and they are hereby constituted a board of arbitration, each to serve for the term of three years from the approval of this supplement, and that each arbitrator herein named shall receive an annual salary of twelve hundred dollars per annum, in lieu of all fees, per diem compensation and mileage, and one of said arbitrators shall be chosen by said arbitrators as the secretary of said board, and he shall receive an additional compensation of two hundred dollars per annum, the salaries herein stated to be payable out of moneys in the state treasury not otherwise appropriated.

2. *And be it enacted*, That in case of death, resignation or incapacity of any member of the board, the governor shall appoint, by and with the advice and consent of the senate, an arbitrator to fill the unexpired term of such arbitrator or arbitrators so dying, resigning or becoming incapacitated.

3. *And be it enacted*, That the term of office of the arbitra-

tors now acting as a board of arbitrators, shall, upon the passage of this supplement, cease and terminate, and the persons named in this supplement as the board of arbitrators shall immediately succeed to and become vested with all the powers and duties of the board of arbitrators now acting under the provisions of the act of which this act is a supplement.

4. *And be it enacted*, That after the expiration of the terms of office of the persons named in this supplement, the governor shall appoint by and with the advice and consent of the senate their successors for the length of term and at the salary named in the first section of this supplement.

5. *And be it enacted*, That this act shall take effect immediately. [*Approved March 25, 1895. P. L., Chap. 341.*]

OHIO.

On March 14, 1893, Ohio adopted a law providing for a State board of arbitration. The statute, as amended May 21, 1894, and April 27, 1896, is as follows:—

An Act to provide for a state board of arbitration for the settlement of differences between employers and their employes and to repeal an act entitled "An act to authorize the creation and to provide for the operation of tribunals of voluntary arbitration, to adjust industrial disputes between employers and employes," passed Feb. 10, 1885.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That within thirty days after the passage of this act, the governor of the state, with the advice and consent of the senate, shall appoint three competent persons to serve as a state board of arbitration and conciliation in the manner hereinafter provided. One of them shall be an employer or selected from some association representing employers of labor, one of them shall be an employe or an employee selected from some labor organization and not an employer of labor, and the third shall be appointed upon the recommendation of the other two; provided, however, that if the two appointed do not agree on the third man at the expiration of thirty days, he shall be appointed by the governor; and provided, also, that appointments made when the senate is not in session may be confirmed at the next ensuing session.

SECTION 2. One shall be appointed for one year, one for two years, and one for three years, and all appointments thereafter shall be for three years or until their respective successors are appointed in the manner above provided. If, for any reason a vacancy occurs at any time, the governor shall, in the same manner, appoint some person to serve out the unexpired term, and he may remove any member of said board.

SECTION 3. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge thereof. They shall organize at once by the choice of one of their number as chairman, and one of their number as secretary. The board shall, as soon as possible after its organization, establish such rules of procedure as shall be approved by the governor.

SECTION 4. Whenever any controversy or difference not involving questions which may be the subject of a suit or action in any court of the state exists between an employer (whether an individual, copartnership or corporation) and his employes, if, at the time he employs not less than twenty-five persons in the same general line of business in this state, the board shall, upon application as hereinafter provided and as soon as practical thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come, or be subpoenaed before them, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute. The term employer in this act includes several employers co-operating with respect to any such controversy or difference, and the term employes includes aggregations of employes of several employers so co-operating. And where any strike or lock-out extends to several counties, the expenses incurred under this act are not payable out of the state treasury, shall be apportioned among and paid by such counties as said board may deem equitable and may direct.

SECTION 5. Such mediation having failed to bring about an adjustment of the said differences, the board shall immediately make out a written decision thereon. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the said board shall cause a copy thereof to be filed with the clerk of the city or county where said business is carried on.

SECTION 6. Said application for arbitration and conciliation to said board can be made by either or both parties to the controversy ; and shall be signed in the respective instances by said employer or by a majority of his employees in the department of the business in which the controversy or difference exists, or the duly authorized agent of either or both parties. When an application is signed by an agent claiming to represent a majority of such employees, the board shall satisfy itself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving such authority shall be kept secret by said board.

SECTION 7. Said application shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work in the same manner as at the time of the application, without any lock-out or strike, until the decision of said board, if it shall be made within ten days of the date of filing said application ; provided, a joint application may contain a stipulation that the decision of the board under such joint application shall be binding upon the parties to the extent so stipulated, and such decision to such extent may be made and enforced as a rule of court in the court of common pleas of the county from which such joint application comes, as upon a statutory award.

SECTION 8. As soon as may be, after the receipt of said application, the secretary of said board shall cause public notice to be given of the time and place for the hearing therein, but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order, and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. Should the petitioner or petitioners fail to perform the promise made in said application, the board shall proceed no further therein without the written consent of the adverse party.

SECTION 9. The board shall have power to subpoena as witnesses any operative in the department of business affected, or other persons shown by affidavit, on belief, or otherwise, to have knowledge of the matters in controversy or dispute, and any who keeps the records of wages earned in such departments, and

examine them under oath touching such matters, and to require the production of books or papers containing the record of wages earned or paid. Subpoenas may be signed and oaths administered by any member of the board. A subpoena or any notice may be delivered or sent to any sheriff, constable or police officer, who shall forthwith serve or post the same, as the case may be, and make due return thereof according to directions, and for such service he shall receive the fees allowed by law in similar cases, payable from the treasurer of the county wherein the controversy to be arbitrated exists, upon the warrant of the county auditor, issued on the certificate of the board that such fees are correct and due. And the board shall have the same power and authority to maintain and enforce order at its hearings and obedience to its writs of subpoena as by law conferred on the court of common pleas for like purposes.

SECTION 10. The parties to any controversy or difference, as described in section 4 of this act, may submit the matters in dispute, in writing, to a local board of arbitration and conciliation; such board may either be mutually agreed upon, or the employer may designate one of the arbitrators, the employes or their duly authorized agent another, and the two arbitrators so designated may choose a third, who shall be chairman of the board.

SECTION 11. Such local board of arbitration shall, in respect to the matters referred to it, have and exercise all the powers which the state board might have and exercise, and its decision shall have whatever binding effect may be agreed by the parties to the controversy in the written submission. The jurisdiction of such local board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the state board. The decision of said board shall be rendered within ten days of the close of any hearing held by it; such decision shall at once be filed with the clerk of the city or county in which the controversy or difference arose, and a copy thereof shall be forwarded to the state board.

SECTION 12. Each of such arbitrators of such a local board shall be entitled to receive from the treasury of the city or county in which the controversy or difference, that is the subject of the arbitrators exists, if such payment is approved in writing by the city council or the administrative board of such city or board of county commissioners of such county, the sum of three dollars for each day of actual service, not exceeding ten days for any one arbitration.

SECTION 13. Whenever it is made to appear to a mayor or probate judge in this state that a strike or lockout is seriously threatened, or has actually occurred, in his vicinity, he shall at once notify the state board of the fact, giving the name and location of the employer, the nature of the trouble, and the number of employes involved, so far as his information will enable him to do so. Whenever it shall come to the knowledge of the state board, either by such notice or otherwise, that a strike or lockout is seriously threatened, or has actually occurred, in this state, involving an employer and his present or past employes, if at the time he is employing, or, up to the occurrence of the strike or lockout, was employing not less than twenty-five persons in the same general line of business in the state, it shall be the duty of the state board to put itself in communication, as soon as may be, with such employer and employes.

SECTION 14. It shall be the duty of the state board in the above described cases to endeavor, by mediation or conciliation, to effect an amicable settlement between them, or, if that seems impracticable, to endeavor to persuade them to submit the matters in dispute to a local board of arbitration and conciliation, as above provided, or to the state board; and said board may, if it deem it advisable, investigate the cause or causes of such controversy and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes, and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given it by section 9 of this act; provided, if neither a settlement nor an arbitration be had because of the opposition thereto of one party to the controversy, such investigation and publication shall, at the request of the other party, be had. And the expense of any publication under this act shall be certified and paid as provided therein for payment of fees.

SECTION 15. Witnesses summoned by the state board shall be allowed the sum of fifty cents for each attendance, and the further sum of twenty-five cents for each hour of attendance in excess of two hours, and shall be allowed five cents a mile for travel each way from their respective places of employment or business to the place where the board is in session. Each witness shall state in writing the amount of his travel and attendance, and said state board shall certify the amount due each

witness to the auditor of the county in which the controversy or difference exists, who shall issue his warrant upon the treasury of said county for the said amount.

SECTION 16. The said state board shall make a yearly report to the governor and legislature, and shall include therein such statements, facts and explanations as will disclose the actual workings of the board, and such suggestions as to legislation as may seem to the members of the board conducive to the friendly relations of, and to the speedy and satisfactory adjustment of disputes between employers and employees.

SECTION 17. The members of said board of arbitration and conciliation hereby created shall each be paid five dollars a day for each day of actual service, and their necessary traveling and other expenses. The chairman of the board shall, quarterly, certify the amount due each member and on presentation of his certificate the auditor of state shall draw his warrant on the treasury of the state for the amount. When the state board meets at the capitol of the state, the adjutant general shall provide rooms suitable for such meeting.

SECTION 18. That an act entitled "An act to authorize the creation and to provide for the operation of tribunals of voluntary arbitration to adjust industrial disputes between employers and employees," of the Revised Statutes of the state, passed February 10, 1895, is hereby repealed.

SECTION 19. This act shall take effect and be in force from and after its passage.

LOUISIANA.

[No. 139.]

An Act to provide for a State Board of Arbitration for the settlement of differences between employers and employees.

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, that within thirty days after the passage of this act, the Governor of the State, with the advice and consent of the Senate, shall appoint five competent persons to serve as a Board of Arbitration and Conciliation in the manner hereinafter provided. Two of them shall be employers, selected or recommended by some association or Board representing em-

ployers of labor; two of them shall be employees, selected or recommended by the various labor organizations, and not an employer of labor, and the fifth shall be appointed upon the recommendation of the other four; provided however, that if the four appointed do not agree on the fifth man at the expiration of thirty days, he shall be appointed by the Governor; provided, also, that if the employers or employees fail to make their recommendation as herein provided within thirty days, then the Governor shall make said appointments in accordance with the spirit and intent of this Act; said appointments, if made when the Senate is not in session, may be confirmed at the next ensuing session.

SEC. 2. Two shall be appointed for two years, two for three years, and one, the fifth member, for four years, and all appointments thereafter shall be for four years, or until their successors are appointed in the manner above provided. If, for any reason, a vacancy occurs at any time, the Governor shall in the same manner appoint some person to serve out the unexpired term.

SEC. 3. Each member of said Board shall before entering upon the duties of his office, be sworn to the faithful discharge thereof. They shall organize at once by the choice of one of their number as chairman and one of their number as secretary. The Board shall, as soon as possible after its organization, establish rules of procedure.

SEC. 4. Whenever any controversy or difference not involving questions which may be the subject of a suit or action in any court of the State, exists between an employer, whether an individual, copartnership or corporation, and his employees, if at the time he employs not less than twenty persons in the same general line of business in any city or parish of this State, the board shall, upon application as hereinafter provided, and as soon as practicable thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, and advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute.

SEC. 5. Such mediation having failed to bring about an adjustment of the said differences, the Board shall immediately make out a written decision thereon. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement

thereof published in the annual report hereinafter provided for, and the said Board shall cause a copy thereof to be filed with the clerk of the court of the city or parish where said business is carried on.

SEC. 6. Said application for arbitration and conciliation to said Board can be made by either or both parties to the controversy, and shall be signed in the respective instances by said employer or by a majority of the employees in the department of the business in which the controversy or difference exists, or the duly authorized agent of either or both parties. When an application is signed by an agent claiming to represent a majority of such employees, the Board shall satisfy itself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving authority shall be kept secret by said board.

SEC. 7. Said application shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work in the same manner as at the time of the application without any lockout or strike until the decision of said Board, if it shall be made within ten days of the date of filing said application.

SEC. 8. As soon as may be after the receipt of said application, the secretary of said Board shall cause public notice to be given of the time and place for the hearing therein, but public notice need not be given when both parties join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the Board may order, and the Board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. Should the petitioner or petitioners fail to perform the promise made in said application, the Board shall proceed no further therein until said petitioner or petitioners have complied with every order and requirement of the Board.

SEC. 9. The Board shall have power to summon as witnesses any operative in the department of the business affected, and any person who keeps the records of wages earned in those departments, and examine them under oath, and to require the production of books and papers containing the record of wages earned or paid. Summons may be signed and oaths administered by any member of the Board. The Board shall have the

right to compel the attendance of witnesses or the production of papers.

SEC. 10. Whenever it is made to appear to the Mayor of a city or the judge of any District Court in any parish, other than the parish of Orleans, that a strike or lockout is seriously threatened or actually occurs, the Mayor of such city or judge of the District Court of such parish shall at once notify the State Board of the fact. Whenever it shall come to the knowledge of the State Board, either by the notice of the Mayor of a city or the judge of the District Court of the parish, as provided in the preceding part of this section, or otherwise, that a lockout or strike is seriously threatened, or has actually occurred, in any city or parish of this State, involving an employer and his present or past employees, if at the time he is employing, or up to the occurrence of a strike or lockout was employing not less than twenty persons in the same general line of business in any city or parish in the State, it shall be the duty of the State Board to put itself in communication as soon as may be with such employer and employees.

SEC. 11. It shall be the duty of the State Board in the above-described cases to endeavor, by mediation or conciliation, to effect an amicable settlement between them, and to endeavor to persuade them, provided a strike or lockout has not actually occurred or is not then continuing, to submit the matters in dispute to the State Board of Arbitration and Conciliation; and the State Board shall, whether the same be mutually submitted to them or not, investigate the cause or causes of such controversy, and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and shall make and publish a report finding such cause or causes and assigning such responsibility or blame. The Board shall have the same powers for the foregoing purposes as are given it by Section 9 of this act.

SEC. 12. The said State Board shall make a biennial report to the Governor and Legislature, and shall include therein such statements, facts and explanations as will disclose the actual workings of the Board, and such suggestions as to legislation as may seem to the members of the board conducive to the relations of and disputes between employers and employees.

SEC. 13. The members of said State Board of Arbitration and conciliation, hereby created, shall each be paid five dollars a

day for each day of actual service, and their necessary traveling and other expenses. The chairman of the Board shall quarterly certify the amount due each member, and, on presentation of his certificate the Auditor of the State shall draw his warrant on the Treasury of the State for the amount.

SEC. 14. This act shall take effect and be in force from and after its passage. [*Approved July 12, 1894.*]

WISCONSIN.

[CHAPTER 364.]

An Act to provide for a state board of arbitration and conciliation for the settlement of differences between employers and their employes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

SECTION 1. The governor of the state shall within sixty days after the passage and publication of this act appoint three competent persons in the manner hereinafter provided, to serve as a state board of arbitration and conciliation. One of such board shall be an employer, or selected from some association representing employers of labor; one shall be selected from some labor organization and not an employer of labor; and the third shall be appointed upon the recommendation of the other two; provided, however, that if the two appointed by the governor as herein provided do not agree upon the third member of such board at the expiration of thirty days, the governor shall appoint such third member. The members of said board shall hold office for the term of two years and until their successors are appointed. If a vacancy occurs at any time the governor shall appoint a member of such board to serve out the unexpired term, and he may remove any member of said board. Each member of such board shall before entering upon the duties of his office be sworn to support the constitution of the United States, the constitution of the state of Wisconsin, and to faithfully discharge the duties of his office. Said board shall at once organize by the choice of one of their number as chairman and another as secretary.

SECTION 2. Said board shall as soon as possible after its organization establish such rules of procedure as shall be approved by the governor and attorney-general.

SECTION 3. Whenever any controversy or difference not the subject of litigation in the courts of this state exists between an employer, whether an individual, co-partnership or corporation, and his employes, if at the time he employs not less than twenty-five persons in the same general line of business in any city, village or town in this state, said board shall upon application as hereinafter provided, and as soon as practicable thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, (if anything,) should be done or submitted to by either or both to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be published in two or more newspapers published in the locality of such dispute, shall be recorded upon proper books of record to be kept by the secretary of said board, and a succinct statement thereof published in the annual report hereinafter provided for, and said board shall cause a copy of such decision to be filed with the clerk of the city, village or town where said business is carried on.

SECTION 4. Said application shall be signed by said employer, or by a majority of his employes in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievances complained of and a promise and agreement to continue in business or at work without any lockout or strike until the decision of said board; provided, however, that said board shall render its decision within thirty days after the date of filing such application. As soon as may be after the receipt of said application the secretary of said board shall cause public notice to be given of the time and place for the hearing thereof; but public notice need not be given when both parties to the controversy join in the application and request in writing that no public notice be given. When notice has been given as aforesaid the board may in its discretion appoint two expert assistants to the board, one to be nominated by each of the parties to the controversy; provided, that nothing in this act shall be construed to prevent the board from appointing such other additional expert assistants as they may deem necessary. Such expert assistants shall be sworn to the faithful discharge of their duty, such oath to

be administered by any member of the board. Should the petitioner, or petitioners, fail to perform the promise and agreement made in said application, the board shall proceed no further thereupon without the written consent of the adverse party. The board shall have power to subpoena as witnesses any operative in the departments of business affected by the matter in controversy, and any person who keeps the records of wages earned in such departments and to examine them under oath, and to require the production of books containing the record of wages paid. Subpoenas may be signed and oaths administered by any member of the board.

SECTION 5. The decision of the board herein provided for shall be open to public inspection, shall be published in a biennial report to be made to the governor of the state with such recommendations as the board may deem proper, and shall be printed and distributed according to the provisions governing the printing and distributing of other state reports.

SECTION 6. Said decision shall be binding upon the parties who join in said application for six months, or until either party has given the other notice in writing of his intention not to be bound by such decision from and after the expiration of sixty days from the date of said notice. Said notice may be given by serving the same upon the employer or his representative, and by serving the same upon the employes by posting the same in three conspicuous places in the shop, factory, yard or upon the premises where they work.

SECTION 7. The parties to any controversy or difference as described in section 3 of this act may submit the matters in dispute in writing to a local board of arbitration and conciliation; said board may either be mutually agreed upon or the employer may designate one of such arbitrators, the employes or their duly authorized agent another, and the two arbitrators so designated may choose a third, who shall be chairman of such local board; such board shall in respect to the matters referred to it have and exercise all the powers which the state board might have and exercise, and its decision shall have such binding effect as may be agreed upon by the parties to the controversy in the written submission. The jurisdiction of such local board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the state board. Such local board shall render its de-

cision in writing within ten days after the close of any hearing held by it, and shall file a copy thereof with the secretary of the state board. Each of such local arbitrators shall be entitled to receive from the treasurer of the city, village or town in which the controversy or difference that is the subject of arbitration exists, if such payment is approved in writing by the mayor of such city, the board of trustees of such village, or the town board of such town, the sum of three dollars for each day of actual service not exceeding ten days for any one arbitration.

SECTION 8. Whenever it is made to appear to the mayor of a city, the village board of a village, or the town board of a town, that a strike or lockout such as is described in section 9, of this act, is seriously threatened or actually occurs, the mayor of such city, or the village board of such village, or the town board of such town, shall at once notify the state board of such facts, together with such information as may be available.

SECTION 9. Whenever it shall come to the knowledge of the state board by notice as herein provided, or otherwise, that a strike or lockout is seriously threatened, or has actually occurred, which threatens to or does involve the business interests of any city, village or town of this state, it shall be the duty of the state board to investigate the same as soon as may be and endeavor by mediation to effect an amicable settlement between employers and employes, and endeavor to persuade them, provided a strike or lockout has not actually occurred or is not then continuing, to submit the matters in dispute to a local board of arbitration and conciliation as herein provided for, or to the state board. Said state board may if it deems advisable investigate the cause or causes of such controversy, ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes and assigning such responsibility or blame.

SECTION 10. Witnesses subpoenaed by the state board shall be allowed for their attendance and travel the same fees as are allowed to witnesses in the circuit courts of this state. Each witness shall certify in writing the amount of his travel and attendance, and the amount due him upon approval by the board shall be paid out of the state treasury.

SECTION 11. The members of the state board shall receive the actual and necessary expenses incurred by them in the per-

formance of their duties under this act, and the further sum of five dollars a day each for the number of days actually and necessarily spent by them, the same to be paid out of the state treasury.

SECTION 12. The act shall take effect and be in force from and after its passage and publication. [*Approved April 19, 1895. Published May 3, 1895.*]

MINNESOTA.

[CHAPTER 170.]

An Act to provide for the settlement of differences between employers and employes, and to authorize the creation of boards of arbitration and conciliation, and to appropriate money for the maintenance thereof.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That within thirty (30) days after the passage of this act the governor shall, by and with the advice and consent of the senate, appoint a state board of arbitration and conciliation, consisting of three competent persons, who shall hold office until their successors are appointed. On the first Monday in January, 1897 and thereafter biennially, the governor, by and with like advice and consent, shall appoint said board, who shall be constituted as follows; One of them shall be an employer of labor, one of them shall be a member selected from some bona fide trade union and not an employer of labor, and who may be chosen from a list submitted by one or more trade and labor assemblies in the State, and the third shall be appointed upon the recommendation of the other two as hereinafter provided, and shall be neither an employe, or an employer of skilled labor; *provided* — however, that if the two first appointed do not agree in nominating one or more persons to act as the third member before the expiration of ten (10) days, the appointment shall then be made by the governor without such recommendation. Should a vacancy occur at any time, the governor shall in the same manner appoint some one having the same qualifications to serve out the unexpired term, and he may also remove any member of said board.

SEC. 2. The said board shall, as soon as possible after their appointment, organize by electing one of their members as

president and another as secretary, and establish, subject to the approval of the governor, such rules of procedure as may seem advisable.

SEC. 3. That whenever any controversy or difference arises, relating to the conditions of employment or rates of wages between any employer, whether an individual, a copartnership or corporation, and whether resident or non-resident, and his or their employes, if at the time he or it employs not less than ten (10) persons in the same general line of business in any city or town in this state, the board shall, upon application, as hereinafter provided, as soon as practicable thereafter, visit the locality of the dispute and make a careful inquiry into the causes thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be submitted to by either or both to adjust said dispute, and within ten days after said inquiry make a written decision thereon. This decision shall at once be made public and a short statement thereof published in a biennial report hereinafter provided for, and the said board shall also cause a copy of said decision to be filed with the clerk of the district court of the county where said business is carried on.

SEC. 4. That said application shall be signed by said employer or by a majority of his employes in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievance alleged, and shall be verified by at least one of the signers. When an application is signed by an agent claiming to represent a majority of such employes, the board shall, before proceeding further, satisfy itself that such agent is duly authorized in writing to represent such employes, but the names of the employes giving such authority shall be kept secret by said board. Within three days after the receipt of said application the secretary of said board shall cause public notice to be given of the time and place where said hearing shall be held. But public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made notice shall be given to the parties interested in such manner as the board may order; and the board may at any stage of the proceedings cause public notice to be given notwithstanding such request.

SEC. 5. The said board shall have power to summon as witnesses any clerk, agent or employe in the departments of the business who keeps the records of wages earned in those departments, and require the production of books containing the records of wages paid. Summons may be signed and oaths administered by any member of the board. Witnesses summoned before the board shall be paid by the board the same witness fees as witnesses before a district court.

SEC. 6. That upon the receipt of an application, after notice has been given as aforesaid, the board shall proceed as before provided, and render a written decision which shall be open to public inspection, and shall be recorded upon the records of the board and published at the discretion of the same in a biennial report which shall be made to the legislature on or before the first Monday in January of each year in which the legislature is in regular session.

SEC. 7. In all cases where the application is mutual, the decision shall provide that the same shall be binding upon the parties concerned in said controversy or dispute for six months, or until sixty days after either party has given the other notice in writing of his or their intention not to be bound by the same. Such notice may be given to said employes by posting the same in three conspicuous places in the shop, factory or place of employment.

SEC. 8. Whenever it shall come to the knowledge of said board, either by notice from the mayor of a city, the county commissioners, the president of a chamber of commerce or other representative body, the president of the central labor council or assembly, or any five reputable citizens, or otherwise, that what is commonly known as a strike or lockout is seriously threatened or has actually occurred, in any city or town of the state, involving an employer and his or its present or past employes, if at the time such employer is employing, or up to the occurrence of the strike or lockout was employing, not less than ten persons in the same general line of business in any city or town in this State, and said board shall be satisfied that such information is correct, it shall be the duty of said board, within three days thereafter, to put themselves in communication with such employer and employes and endeavor by mediation to effect an amicable settlement between them, or to persuade them to submit the matter in dispute to a local board of arbitration and concilia-

tion, as hereinafter provided, or to said state board, and the said State board may investigate the cause or causes of such controversy and ascertain which party thereto is mainly responsible for the continuance of the same, and may make and publish a report assigning such responsibility. The said board shall have the same powers for the foregoing purposes as are given them by sections three and four of this act.

SEC. 9. The parties to any controversy or difference, as specified in this act, may submit the matter in dispute in writing to a local board of arbitration and conciliation; such board may either be mutually agreed upon, or the employer may designate one of the arbiters, the employees or their duly authorized agent another, and the two arbiters so designated may choose a third, who shall also be chairman of the board. Each arbiter so selected shall sign a consent to act as such, and shall take and subscribe an oath before an officer authorized to administer oaths to faithfully and impartially discharge his duty as such arbiter, which consent and oath shall be filed in the office of the clerk of the district court of the county where such dispute arises. Such board shall, in respect to the matters submitted to them, have and exercise all the powers which the state board might have and exercise, and their decisions shall have whatever binding effect may be agreed to by the parties to the controversy in the written submission. Vacancies in such local boards may be filled in the same manner as the regular appointments are made. It shall be the duty of said state board to aid and assist in the formation of such local boards throughout the state in advance of any strike or lockout, whenever and wherever in their judgment the formation of such local boards will have a tendency to prevent or allay the occurrence thereof. The jurisdiction of such local boards shall be exclusive in respect to the matters submitted to them; but they may ask and receive the advice and assistance of the state board. The decisions of such local boards shall be rendered within ten days after the close of any hearing held before them; such decision shall at once be filed with the clerk of the district court of the county in which such controversy arose, and a copy thereof shall be forwarded to the state board.

SEC. 10. Each member of said State board shall receive as compensation five (\$5) dollars a day, including mileage, for each and every day actually employed in the performance of the duties provided for by this act; such compensation shall be

paid by the state treasurer on duly detailed vouchers approved by said board and by the governor.

SEC. 11. The said board, in their biennial reports to the legislature, shall include such statements, facts and explanations as will disclose the actual workings of the board and such suggestions with regard to legislation as may seem to them conducive to harmonizing the relations of and the disputes between employers and employes; and the improvement of the present relations between labor and capital. Such biennial reports of the board shall be printed in the same manner and under the same regulations as the reports of the executive officers of the state.

SEC. 12. There is hereby annually appropriated out of any money in the state treasury not otherwise appropriated the sum of two thousand dollars, or so much thereof as may be necessary for the purposes of carrying out the provisions of this act.

SEC. 13. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 14. This act shall take effect and be in force from and after its passage. [*Approved April 25, 1895.*]

CONNECTICUT.

[CHAPTER CCXXXIX.]

An Act creating a State Board of Mediation and Arbitration.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SECTION 1. During each biennial session of the general assembly, the governor shall, with the advice and consent of the senate, appoint a state board of mediation and arbitration, to consist of three competent persons, each of whom shall hold his office for the term of two years. One of said persons shall be selected from the party which at the last general election cast the greatest number of votes for governor of this state, and one of said persons shall be selected from the party which at the last general election cast the next greatest number of votes for governor of this state, and the other of said persons shall be selected from a *bona fide* labor organization of this state. Said board shall select one of its number to act as clerk or secretary, whose duty it shall be to keep a full and faithful record of the proceedings of the board, and also to keep

and preserve all documents and testimony submitted to said board; he shall have power under the direction of the Board, to issue subpoenas, and to administer oaths in all cases before said board, and to call for and examine the books, papers and documents of the parties to such cases. Said arbitrators shall take and subscribe to the constitutional oath of office before entering upon the discharge of their duties.

SEC. 2. Whenever any grievance or dispute of any nature shall arise between any employer and his employes, it shall be lawful for the parties to submit the same directly to the state board of mediation and arbitration, in case such parties elect to do so, and shall notify said board, or its clerk, in writing, of such election. Whenever such notification to said board or its clerk is given, it shall be the duty of said board to proceed, with as little delay as possible, to the locality of such grievance or dispute, and inquire into the cause or causes of the grievance or dispute. The parties to the grievance or dispute shall thereupon submit to said board, in writing, succinctly, clearly, and in detail, their grievances and complaints, and the cause or causes thereof, and severally promise and agree to continue in business, or at work, without a strike or lockout, until the decision of said board is rendered; *provided*, it shall be rendered within ten days after the completion of the investigation. The board shall thereupon proceed fully to investigate and inquire into the matters in controversy, and to take testimony under oath in relation thereto, and shall have power, by its chairman or clerk, to administer oaths, to issue subpoenas for the attendance of witnesses, and the production of books and papers.

SEC. 3. After a matter has been fully heard, the said board, or a majority of its members, shall, within ten days, render a decision thereon in writing, signed by the members of the board, or a majority of them, stating such details as will clearly show the nature of the decision and the points disposed of by said board. The decision shall be in triplicate, one copy of which shall be filed by the clerk of the board in the office of the town or city clerk in the town where the controversy arose, and one copy shall be served on each of the parties to the controversy.

SEC. 4. Whenever a strike or lockout shall occur, or is seriously threatened in any part of the state, and shall come to the knowledge of the board, it shall be its duty, and it is hereby directed to proceed, as soon as practicable, to the locality of

such strike or lockout and put itself in communication with the parties to the controversy, and endeavor by mediation to effect an amicable settlement of such strike or lockout; and, if in the judgment of said board it is best, it shall inquire into the cause or causes of the controversy, and to that end the board is hereby authorized to subpoena witnesses, and send for persons and papers.

SEC. 5. Said board shall, on or before the first day of December in each year, make a report to the Governor, and shall include therein such statements, facts, and explanations as will disclose the actual working of the board, and such suggestions as to legislation as may seem to it conducive to harmony in the relations between employers and employed, and to the improvement of the present system of production.

SEC. 6. Whenever the term "employer" or "employers" is used in this act it shall be held to include "firm," "joint-stock association," "company" or "corporation," as fully as if each of the last-named terms was expressed in each place.

SEC. 7. The members of the board shall receive as compensation for actual services rendered under this act, the sum of five dollars per day and expenses, upon presentation of their voucher to the comptroller, approved by the governor.

SEC. 8. This act shall take effect from its passage. [*Approved June 28, 1895.*]

ILLINOIS.

The act approved August 2, 1895, as amended in section 8 and through the insertion of sections 5a, 5b, and 6a by the act approved April 12, 1899, is as follows:

An Act to create a State Board of Arbitration for the investigation or settlement of differences between employers and their employes, and to define the powers and duties of said board.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* As soon as this act shall take effect the Governor, by and with the advice and consent of the Senate, shall appoint three persons, not more than

two of whom shall belong to the same political party, who shall be styled a State "Board of Arbitration," to serve as a State Board of Arbitration and Conciliation; one and only one of whom shall be an employer of labor, and one and only one of whom shall be an employé and shall be selected from some labor organization. They shall hold office until March 1, 1897, or until their successors are appointed, but said board shall have no power to act as such until they and each of them are confirmed by the Senate. On the first day of March, 1897, the Governor, with the advice and consent of the Senate, shall appoint three persons as members of said board in the manner above provided, one to serve for one year, one for two years and one for three years, or until their respective successors are appointed, and on the first day of March in each year thereafter the Governor shall in the same manner appoint one member of said board to succeed the member whose term expires, and to serve for the term of three years, or until his successor is appointed. If a vacancy occurs at any time, the Governor shall in the same manner appoint some one to serve out the unexpired term. Each member of said board shall, before entering upon the duties of his office, be sworn to the faithful discharge thereof. The board shall at once organize by the choice of one of their number as chairman, and they shall, as soon as possible after such organization, establish suitable rules of procedure. The board shall have power to select and remove a secretary, who shall be a stenographer, and who shall receive a salary to be fixed by the board, not to exceed \$1,200 per annum and his necessary traveling expenses, on bills of items to be approved by the board, to be paid out of the State treasury.

§ 2. When any controversy or difference not involving questions which may be the subject of an action at law or a bill in equity, exists between an employer, whether an individual, copartnership or corporation, employing not less than twenty-five persons, and his employés in this State, the board shall, upon application as herein provided, and as soon as practicable thereafter, visit the locality of the dispute and make a careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to

by both to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the board shall cause a copy thereof to be filed with the clerk of the city, town or village where said business is carried on.

§ 3. Said application shall be signed by said employer or by a majority of his employés in the department of the business in which the controversy or difference exists, or by both parties, and shall contain a concise statement of the grievances complained of and a promise to continue on in business or at work without any lockout or strike until the decision of said board, if it shall be made within three weeks of the date of filing said application. As soon as may be after the receipt of said application, the secretary of said board shall cause public notice to be given of the time and place for the hearing thereon, but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order, and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. The board in all cases shall have power to summon as witness any operative, or expert in the departments of business affected and any person who keeps the records of wages earned in those departments, or any other person, and to examine them under oath, and to require the production of books containing the record of wages paid, and such other books and papers as may be deemed necessary to a full and fair investigation of the matter in controversy. The board shall have power to issue subpoenas, and oaths may be administered by the chairman of the board. If any person, having been served with a subpoena or other process issued by such board, shall wilfully fail or refuse to obey the same, or to answer such question as may be proposed touching the subject matter of the inquiry or investigation, it shall be the duty of the circuit court or the county court of the county in which the hearing is being conducted, or of the judge

thereof, if in vacation, upon application by such board, duly attested by the chairman and secretary thereof, to issue an attachment for such witness and compel him to appear before such board and give his testimony or to produce such books and papers as may be lawfully required by said board; and the said court, or the judge thereof, shall have power to punish for contempt, as in other cases of refusal to obey the process and order of such court.

§ 4. Upon the receipt of such application, and after such notice, the board shall proceed as before provided, and render a written decision, which shall be open to public inspection, shall be recorded upon the records of the board and published at the discretion of the same in an annual report to be made to the Governor before the first day of March in each year.

§ 5. Said decision shall be binding upon the parties who join in said application for six months or until either party has given the other notice in writing of his or their intention not to be bound by the same at the expiration of sixty days therefrom. Said notice may be given to said employés by posting in three conspicuous places in the shop or factory where they work.

§ 5a. In the event of a failure to abide by the decision of said board in any case in which both employer and employés shall have joined in the application, any person or persons aggrieved thereby may file with the clerk of the circuit court or the county court of the county in which the offending party resides, or in the case of an employer in the county in which the place of employment is located, a duly authenticated copy of said decision, accompanied by a verified petition reciting the fact that such decision has not been complied with and stating by whom and in what respects it has been disregarded. Thereupon the circuit court or the county court (as the case may be) or the judge thereof, if in vacation, shall grant a rule against the party or parties so charged to show cause within ten days why such decision has not been complied with, which shall be served by sheriff as other process. Upon return made to the rule, the court, or the judge thereof if in vacation, shall hear and determine the question presented, and to secure a compliance with such decision, may punish the offending party or par-

ties for contempt, but such punishment shall in no case extend to imprisonment.

§ 5b. Whenever two or more employers engaged in the same general line of business, employ in the aggregate not less than twenty-five persons, and having a common difference with their employés, shall, coöperating together, make application for arbitration, or whenever such application shall be made by the employés of two or more employers engaged in the same general line of business, such employés being not less than twenty-five in number, and having a common difference with their employers, or whenever the application shall be made jointly by the employers and employés in such a case, the board shall have the same powers and proceed in the same manner as if the application had been made by one employer, or by the employés of one employer, or by both.

§ 6. Whenever it shall come to the knowledge of the State board that a strike or lockout is seriously threatened in the State, involving an employer and his employés, if he is employing not less than twenty-five persons, it shall be the duty of the State board to put itself in communication as soon as may be, with such employer or employés, and endeavor by mediation to effect an amicable settlement between them, or to endeavor to persuade them to submit the matters in dispute to the State board.

§ 6a. It shall be the duty of the mayor of every city, and president of every incorporated town or village, whenever a strike or lockout involving more than twenty-five employés shall be threatened or has actually occurred within or near such city, incorporated town or village, to immediately communicate the fact to the state board of arbitration stating the name or names of the employer or employers and of one or more employés, with their postoffice address, the nature of the controversy or difference existing, the number of employés involved and such other information as may be required by the said board. It shall be the duty of the president or chief executive officer of every labor organization, in case of a strike or lockout, actual or threatened, involving the members of the organization of which he is an officer to immediately communicate the fact of such strike or lockout to the said board with such information

as he may possess touching the difference or controversy and the number of employes involved.

§ 7. The members of the said board shall each receive a salary of \$1,500 a year, and necessary traveling expenses, to be paid out of the treasury of the State, upon bills of particulars approved by the Governor.

§ 8. Any notice or process issued by the State Board of Arbitration, shall be served by any sheriff, coroner or constable to whom the same may be directed or in whose hands the same may be placed for service.

§ 9. Whereas, an emergency exists, therefore it is enacted that this act shall take effect and be in force from and after its passage.

U T A H .

[CHAPTER LXII.]

An Act to create a State Board of Labor, Conciliation and Arbitration, for the investigation and settlement of differences between Employers and their Employes, and to define the Powers and Duties of the said Board, and to fix their Compensation.

Be it enacted by the Legislature of the State of Utah :

SECTION 1. As soon as this act shall be approved, the Governor, by and with the consent of the Senate, shall appoint three persons, not more than two of whom shall belong to the same political party, who shall be styled a State Board of Labor, Conciliation and Arbitration, to serve as a State Board of Labor, Conciliation and Arbitration, one of whom and only one of whom shall be an employer of labor, and only one of whom shall be an employe, and the latter shall be selected from some labor organization, and the third shall be some person who is neither an employe nor an employer of manual labor, and who shall be chairman of the board. One to serve for one year, one for three years and one for five years as may be designated by the Governor at the time of their appointment, and at the expiration of their terms, their successors shall be appointed in like manner for the term of four years. If a vacancy occurs at any time, the Governor shall, in the same manner appoint some one to serve the unexpired term and until the ap-

pointment and qualification of his successor. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge thereof.

SEC. 2. The board shall at once organize by selecting from its members a secretary, and they shall, as soon as possible after such organization, establish suitable rules of procedure.

SEC. 3. When any controversy or difference, not involving questions which may be the subject of an action at law or bill in equity, exists between an employer (whether an individual, copartnership or corporation) employing not less than ten persons, and his employees, in this State, the board shall, upon application as herein provided, and as soon as practicable thereafter, visit the locality of the dispute, and make a careful inquiry into the cause thereof, hear all persons interested therein, who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute, and make a written decision thereof.

SEC. 4. This decision shall at once be made public, shall be recorded upon the proper book of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for.

SEC. 5. Said application shall be signed by said employer, or by a majority of his employees in the department of the business in which the controversy or difference exists, or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work without any lockout or strike until a decision of said board, if it shall be made within three weeks of the date of filing the said application.

SEC. 6. As soon as may be after receiving said application, the secretary of said board shall cause public notice to be given, of the time and place for the hearing thereon, but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order, and the board may at any stage of the proceedings, cause public notice, notwithstanding such request.

“SEC. 7. The board shall have the power to summon as witnesses by subpoena any operative or expert in the department

of business affected, and any person who keeps the records of wages earned in those departments, or any other person, and to administer oaths, and to examine said witnesses and to require the production of books, papers and records. In case of a disobedience to a subpoena the board may invoke the aid of any court in the State in requiring the attendance and testimony of witnesses and the production of books, papers and documents under the provisions of this section. Any of the district courts of the State, within the jurisdiction of which such inquiry is carried on, may, in case of contumacy or refusal to obey a subpoena issued to any such witness, issue an order requiring such witness to appear before said board and produce books and papers if so ordered, and give evidence touching the matter in question. Any refusal to obey such order of the court may be punished by such court as a contempt thereof."

SEC. 8. Upon the receipt of such application and after such notice, the board shall proceed as before provided and render a written decision, and the findings of the majority shall constitute the decision of the board, which decision shall be open to public inspection, shall be recorded upon the records of the board and published in an annual report to be made to the Governor before the first day of March in each year.

SEC. 9. Said decision shall be binding upon the parties who join in said application, or who have entered their appearance before said board, until either party has given the other notice in writing of his or their intention not to be bound by the same, and for a period of 90 days thereafter. Said notice may be given to said employees by posting in three conspicuous places where they work.

SEC. 10. Whenever it shall come to the knowledge of the State board that a strike or lockout is seriously threatened in the State involving any employer and his employees, if he is employing not less than ten persons, it shall be the duty of the State board to put itself into communication as soon may be, with such employer and employees, and endeavor by mediation to effect an amicable settlement between them and endeavor to persuade them to submit the matters in dispute to the State board.

SEC. 11. The members of said board shall each receive a per diem of three dollars for each day's service while actually engaged in the hearing of any controversy between any em-

ployer and his employees, and five cents per mile for each mile necessarily traveled in going to and returning from the place where engaged in hearing such controversy, the same to be paid by the parties to the controversy, appearing before said board, and the members of said board shall receive no compensation or expenses for any other service performed under this act.

SEC. 12. Any notice or process issued by the State Board of Arbitration shall be served by any sheriff, to whom the same may be directed, or in whose hands the same may be placed for service without charge. [*Approved March 24, 1896.*]

INDIANA.

The following repeals parts of sections 2, 17 and 18, statute of March 4, 1897, and re-enacts its essential provisions:

An Act providing for the creation of a Labor Commission, and defining its duties and powers, and providing for arbitrations and investigations of labor troubles; and repealing all laws and parts of laws in conflict with this act.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That* there shall be, and is hereby created a commission to be composed of two electors of the State, which shall be designated the Labor Commission, and which shall be charged with the duties and vested with the powers hereinafter enumerated.

SEC. 2. The members of said Commission shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold office for four years and until their successors shall have been appointed and qualified. One of said Commissioners shall have been for not less than ten years of his life an employe for wages in some department of industry in which it is usual to employ a number of persons under single direction and control, and shall be at the time of his appointment affiliated with the labor interest as distinguished from the capitalist or employing interest. The other of said Commissioners shall have been for not less than ten years an employer of labor for wages in some department of industry in which it is usual to employ a number of persons under single direction and control, and shall be at the time of his appointment affiliated with the employing interest as distinguished from the labor interest. Neither of said Commissioners shall be less than forty

years of age; they shall not be members of the same political party, and neither of them shall hold any other State, county, or city office in Indiana during the term for which he shall be appointed. Each of said Commissioners shall take and subscribe an oath, to be endorsed upon his commission, to the effect that he will punctually, honestly, and faithfully discharge his duties as such Commissioner.

SEC. 3. Said Commission shall have a seal and shall be provided with an office at Indianapolis, and may appoint a Secretary who shall be a skillful stenographer and typewriter, and shall receive a salary of six hundred dollars per annum and his traveling expenses for every day spent by him in the discharge of duty away from Indianapolis.

SEC. 4. It shall be the duty of said Commissioners upon receiving creditable information in any manner of the existence of any strike, lockout, boycott, or other labor complication in this State affecting the labor or employment of fifty persons or more to go to the place where such complication exists, put themselves into communication with the parties to the controversy and offer their services as mediators between them. If they shall not succeed in effecting an amicable adjustment of the controversy in that way they shall endeavor to induce the parties to submit their differences to arbitration, either under the provisions of this act or otherwise, as they may elect.

SEC. 5. For the purpose of arbitration under this act, the Labor Commissioners and the Judge of the Circuit Court, of the county in which the business in relation to which the controversy shall arise, shall have been carried on shall constitute a Board of Arbitrators, to which may be added, if the parties so agree, two other members, one to be named by the employer and the other by the employees in the arbitration agreement. If the parties to the controversy are a railroad company and employees of the company engaged in the running of trains, any terminal within this State, of the road, or of any division thereof, may be taken and treated as the location of the business within the terms of this section for the purpose of giving jurisdiction to the Judge of the Circuit Court to act as a member of the Board of Arbitration.

SEC. 6. An agreement to enter into arbitration under this act shall be in writing and shall state the issue to be submitted and decided and shall have the effect of an agreement by the

parties to abide by and perform the award. Such agreement may be signed by the employer as an individual, firm or corporation, as the case may be, and execution of the agreement in the name of the employer by any agent or representative of such employer then and theretofore in control or management of the business or department of business in relation to which the controversy shall have arisen shall bind the employer. On the part of the employees, the agreement may be signed by them in their own person, not less than two-thirds of those concerned in the controversy signing, or it may be signed by a committee by them appointed. Such committee may be created by election at a meeting of the employees concerned in the controversy at which not less than two-thirds of all such employees shall be present, which election and the fact of the presence of the required number of employees at the meeting shall be evidenced by the affidavit of the chairman and secretary of such meeting attached to the arbitration agreement. If the employees concerned in the controversy, or any of them, shall be members of any labor union or workingmen's society, they may be represented in the execution of said arbitration agreement by officers or committeemen of the union or society designated by it in any manner conformable to its usual methods of transacting business, and others of the employees represented by committee as hereinbefore provided.

SEC. 7. If upon any occasion calling for the presence and intervention of the Labor Commissioners under the provisions of this act, one of said Commissioners shall be present and the other absent, the Judge of the Circuit Court of the county in which the dispute shall have arisen, as defined in section 5, shall upon the application of the Commissioners present, appoint a Commissioner *pro tem.* in the place of the absent Commissioner, and such Commissioner *pro tem.* shall exercise all the powers of a Commissioner under this act until the termination of the duties of the Commission with respect to the particular controversy upon the occasion of which the appointment shall have been made, and shall receive the same pay and allowances provided by this act for the other commissioners. Such Commissioner *pro tem.* shall represent and be affiliated with the same interests as the absent Commissioner.

SEC. 8. Before entering upon their duties the arbitrators shall take and subscribe an oath or affirmation to the effect that

they will honestly and impartially perform their duties as arbitrators and a just and fair award render to the best of their ability. The sittings of the arbitrators shall be in the court room of the Circuit Court, or such other place as shall be provided by the County Commissioners of the county in which the hearing is had. The Circuit Judge shall be the presiding member of the Board. He shall have power to issue subpoenas for witnesses who do not appear voluntarily, directed to the Sheriff of the county, whose duty it shall be to serve the same without delay. He shall have power to administer oaths and affirmations to witnesses, enforce order, and direct and control the examinations. The proceedings shall be informal in character, but in general accordance with the practice governing the Circuit Courts in the trial of civil causes. All questions of practice, or questions relating to the admission of evidence shall be decided by the presiding member of the Board summarily and without extended argument. The sittings shall be open and public, or with closed doors, as the Board shall direct. If five members are sitting as such Board three members of the Board agreeing shall have power to make an award, otherwise, two. The Secretary of the Commission shall attend the sittings and make a record of the proceedings in shorthand, but shall transcribe so much thereof only as the Commission shall direct.

SEC. 9. The arbitrators shall make their award in writing and deliver the same with the arbitration agreement and their oath as arbitrators to the Clerk of the Circuit Court of the county in which the hearing was had, and deliver a copy of the award to the employer, and a copy to the first signer of the arbitration agreement on the part of the employees. A copy of all the papers shall also be preserved in the office of the Commission at Indianapolis.

SEC. 10. The Clerk of the Circuit Court shall record the papers delivered to him as directed in the last preceding section, in the order book of the Circuit Court. Any person who was a party to the arbitration proceedings may present to the Circuit Court of the county in which the hearing was had, or the Judge thereof in vacation, a verified petition referring to the proceedings and the record of them in the order book and showing that said award has not been complied with, stating by whom and in what respect it has been disobeyed. And thereupon the Court or Judge thereof in vacation shall grant a rule against the party

or parties so charged, to show cause within five days why said award has not been obeyed, which shall be served by the Sheriff as other process. Upon return made to the rule the Judge or Court if in session, shall hear and determine the questions presented and made such order or orders directed to the parties before him *in personam*, as shall give just effect to the award. Disobedience by any party to such proceedings of any order so made shall be deemed a contempt of the court and may be punished accordingly. But such punishment shall not extend to imprisonment except in case of wilful and contumacious disobedience. In all proceedings under this section the award shall be regarded as presumptively binding upon the employer and all employees who were parties to the controversy submitted to arbitration, which presumption shall be overcome only by proof of dissent from the submission delivered to the arbitrators, or one of them, in writing before the commencement of the hearing.

SEC. 11. The Labor Commission, with the advice and assistance of the Attorney-General of the State, which he is hereby required to render, may make rules and regulations respecting proceedings in arbitrations under this act not inconsistent with this act or the law, including forms, and cause the same to be printed and furnished to all persons applying therefor, and all arbitration proceedings under this act shall thereafter conform to such rules and regulations.

SEC. 12. Any employer and his employees, not less than twenty-five in number, between whom differences exist which have not resulted in any open rupture or strike, may of their own motion apply to the Labor Commission for arbitration of their differences, and upon the execution of an arbitration agreement as hereinbefore provided, a Board of Arbitrators shall be organized in the manner hereinbefore provided, and the arbitration shall take place and the award be rendered, recorded and enforced in the same manner as in arbitrations under the provisions found in the preceding sections of this act.

SEC. 13. In all cases arising under this act requiring the attendance of a Judge of the Circuit Court as a member of an Arbitration Board, such duty shall have precedence over any other business pending in his court, and if necessary for the prompt transaction of such other business it shall be his duty to appoint some other Circuit Judge, or Judge of a Superior or the Appellate or Supreme Court to sit in the Circuit Court in his

place during the pendency of such arbitration, and such appointee shall receive the same compensation for his services as is now allowed by law to Judges appointed to sit in case of change of Judge in civil actions. In case the Judge of the Circuit Court, whose duty it shall become under this act to sit upon any Board of Arbitrators, shall be at the time actually engaged in a trial which can not be interrupted without loss and injury to the parties, and which will in his opinion continue for more than three days to come, or is disabled from acting by sickness or otherwise, it shall be the duty of such Judge to call in and appoint some other Circuit Judge, or some Judge of a Superior Court, or the Appellate or Supreme Court, to sit upon such Board of Arbitrators, and such appointed Judge shall have the same power and perform the same duties as member of the Board of Arbitration as are by this act vested in and charged upon the Circuit Judge regularly sitting, and he shall receive the same compensation now provided by law to a Judge sitting by appointment upon a change of Judge in civil cases, to be paid in the same way.

SEC. 14. If the parties to any such labor controversy as is defined in section 4 of this act shall have failed at the end of five days after the first communication of said Labor Commission with them to adjust their differences amicably, or to agree to submit the same to arbitration, it shall be the duty of the Labor Commission to proceed at once to investigate the facts attending the disagreement. In this investigation the Commission shall be entitled, upon request, to the presence and assistance of the Attorney-General of the State, in person or by deputy, whose duty it is hereby made to attend without delay, upon request by letter or telegram from the Commission. For the purpose of such investigation the Commission shall have power to issue subpoenas, and each of the Commissioners shall have power to administer oaths and affirmations. Such subpoena shall be under the seal of the Commission and signed by the Secretary of the Commission, or a member of it, and shall command the attendance of the person or persons named in it at a time and place named, which subpoena may be served and returned as other process by any Sheriff or Constable in the State. In case of disobedience of any such subpoena, or the refusal of any witness to testify, the Circuit Court of the county within which the subpoena was issued, or the Judge thereof in vacation,

shall, upon the application of the Labor Commission, grant a rule against the disobeying person or persons, or the person refusing to testify, to show cause forthwith why he or they should not obey such subpoena, or testify as required by the Commission, or be adjudged guilty of contempt, and in such proceedings such court, or the Judge thereof in vacation, shall be empowered to compel obedience to such subpoena as in the case of subpoena issued under the order and by authority of the court, or to compel a witness to testify as witnesses in court are compelled to testify. But no person shall be required to attend as a witness at any place outside the county of his residence. Witnesses called by the Labor Commission under this section shall be paid \$1.00 per diem fees out of the expense fund provided by this act, if such payment is claimed at the time of their examination.

SEC. 15. Upon the completion of the investigation authorized by the last preceding section, the Labor Commission shall forthwith report the facts thereby disclosed affecting the merits of the controversy in succinct and condensed form to the Governor, who, unless he shall perceive good reason to the contrary, shall at once authorize such report to be given out for publication. And as soon thereafter as practicable, such report shall be printed under the direction of the Commission and a copy shall be supplied to any one requesting the same.

SEC. 16. Any employer shall be entitled, in his response to the inquiries made of him by the Commission in the investigation provided for in the two last preceding sections, to submit in writing to the Commission, a statement of any facts material to the inquiry, the publication of which would be likely to be injurious to his business, and the facts so stated shall be taken and held as confidential, and shall not be disclosed in the report or otherwise.

SEC. 17. Said Commissioners shall receive a compensation of ten dollars each per diem for the time actually expended, and actual and necessary traveling expenses while absent from home in the performance of duty, and each of the two members of a Board of Arbitration chosen by the parties under the provisions of this act shall receive the same compensation for the days occupied in service upon the Board. The Attorney-General, or his deputy, shall receive his necessary and actual traveling expenses while absent from home in the service of the Commission. Such

compensation and expenses shall be paid by the Treasurer of State upon warrants drawn by the Auditor upon itemized and verified accounts of time spent and expenses paid. All such accounts, except those of the Commissioners, shall be certified as correct by the Commissioners, or one of them, and the accounts of the Commissioners shall be certified by the Secretary of the Commission. It is hereby declared to be the policy of this act that the arbitrations and investigations provided for in it shall be conducted with all reasonable promptness and dispatch, and no member of any Board of Arbitration shall be allowed payment for more than fifteen days' service in any one arbitration, and no Commissioner shall be allowed payment for more than ten days' service in the making of the investigation provided for in section 14 and sections following.

SEC. 18. For the payment of the salary of the Secretary of the Commission, the compensation of the Commissioners and other arbitrators, the traveling and hotel expenses herein authorized to be paid, and for witness fees, printing, stationery, postage, telegrams and office expenses there is hereby appropriated out of any money in the Treasury not otherwise appropriated, the sum of five thousand dollars for the year 1897 and five thousand dollars for the year 1898.

IDAHO.

The following bill, having remained with the governor more than ten secular days after the legislature adjourned, became a law March 20, 1897.

An Act to provide for a State Board of Arbitration, for the Settlement of Differences between Employees and their Employers and to provide for Local Boards of Arbitration subordinate thereto.

Be it enacted by the Legislature of the State of Idaho :

SECTION 1. The Governor, with the advice and consent of the Senate, shall, on or before the fourth day of March, eighteen hundred and ninety-seven, appoint three competent persons to serve as a State board of Arbitration and Conciliation in the manner hereinafter provided. One of them shall be an employer or selected from some association representing employers of labor; one of them shall be selected from some labor organization and not an employer of labor; the third shall

be appointed upon the recommendation of the other two; *Provided, however,* That if the two appointed do not agree on the third man at the expiration of thirty days, he shall then be appointed by the Governor. On or before the fourth day of March, eighteen hundred and ninety-seven, the Governor, with the advice and consent of the Senate, shall appoint three members of said board in the manner above provided; one to serve for six years; one for four years; and one for two years; or until their respective successors are appointed; and on or before the fourth day of March of each year during which the legislature of this State is in its regular biennial session thereafter, the Governor shall in the same manner appoint one member of said board to succeed the member whose term then expires and to serve for the term of six years or until his successor is appointed. If a vacancy occurs at any time, the Governor shall in the same manner appoint some one to serve out the unexpired term; and he may in like manner remove any member of said board. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge thereof. They shall at once organize by the choice of one of their members as chairman. Said board shall choose one of its members as secretary and may also appoint and remove a clerk of the board, who shall receive pay only for time during which his services are actually required and that at a rate of not more than four dollars per day during such time as he may be employed.

SEC. 2. The board shall, as soon as possible after its organization, establish such rules of procedure as shall be approved by the Governor and Senate.

SEC. 3. Whenever any controversy or difference, not involving questions which may be the subject of a suit at law or bill in equity, exists between an employer, whether an individual, co-partnership or corporation, and his employees if at the time he employs not less than twenty-five persons in the same general line of business in any city or town or village or county in this State, the board shall upon application as hereinafter provided, and as soon as practicable thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute, and make a written decision thereof. This decision shall at once be made

public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the said board shall cause a copy thereof to be filed with the County Recorder of the county where such business is carried on.

SEC. 4. Said application shall be signed by said employer or by a majority of his employees in the department of the business in which the controversy or difference exists, or their duly authorized agent or by both parties and shall contain a concise statement of the grievance complained of, and a promise to continue in the business or at work without any lockout or strike until the decision of said board if it shall be made in three weeks of the date of filing said application, when an application is signed by an agent claiming to represent a majority of such employees, the board shall satisfy itself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving such authority shall be kept secret by said board. As soon as may be after the receipt of said application, the secretary of said board shall cause public notice to be given of the time and place for the hearing thereof; but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request be made, notice shall be given to the parties interested in such manner as the board may order and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. Should the petitioner or petitioners fail to perform the promise made in said application, the board shall proceed no further thereupon without the written consent of the adverse party. The board shall have the power to summons as witness any operative in the departments of business affected, and any person, who keeps the records of wages earned in those departments and to examine them under oath and to require the production of books containing the record of wages paid. Summons may be signed and oaths administered by any member of the board.

SEC. 5. Upon the receipt of such application and after such notice, the board shall proceed as before provided and render a written decision which shall be open to public inspection shall be recorded upon the records of the board and published at the discretion of the same, in an annual report to be made to the

Governor of the State on or before the first day of February of each year.

SEC. 6. Said decision shall be binding upon the parties who join in said application for six months, or until either party has given the other notice in writing of his intention not to be bound by the same at the expiration of sixty days therefrom. Said notice may be given to said employees by posting the same in three conspicuous places in the shop or factory, mill or at the mine where they work or are employed.

SEC. 7. The parties to any controversy or difference as described in Section 3 of this act may submit the matters in dispute, in writing to a local board of arbitration and conciliation, such board may either be mutually agreed upon, or the employer may designate one of the arbitrators, the employees or their duly authorized agent, another, and the two arbitrators so designated may choose a third, who shall be chairman of the board.

Such board shall, in respect to the matters referred to it, have and exercise all the powers which the state board might have and exercise, and its decision shall have whatever binding effect may be agreed by the parties to the controversy in the written submission.

The jurisdiction of such board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the state board. The decision of such board shall be rendered within ten days of the close of any hearing held by it; such decision shall at once be filed with the recorder of the county in which the controversy or difference arose, and a copy thereof shall be forwarded to the state board. Each of such arbitrators shall be entitled to receive from the treasury of the county in which the controversy or difference that is the subject of the arbitration exists, if such payment is approved in writing by the board of commissioners of such county, the sum of three dollars for each day of actual service, not exceeding ten days for any one arbitration, whenever it is made to appear to the mayor of a city or the board of commissioners of a county that a strike or lockout such as described in Section 8 of this act is seriously threatened or actually occurs, the mayor of such city or the board of commissioners of such county shall at once notify the state board of the facts.

SEC. 8. Whenever it shall come to the knowledge of the state board, either by notice from the mayor of a city or the

board of commissioners of a county, as provided in the preceding section or otherwise, that a strike or lockout is seriously threatened or has actually occurred in any county or town of the State, involving an employer and his present or past employees, if at the time he is employing, or up to the occurrence of the strike or lockout was employing not less than twenty-five persons in the same general line of business in any county or town in the State, it shall be the duty of the State board to put itself in communication as soon as may be with such employer, and employees, and endeavor by mediation to effect an amicable settlement between them, or to endeavor to persuade them; *Provided*, That a strike or lockout has not actually occurred or is not then continuing, to submit the matters in dispute to a local board of arbitration and conciliation, as above provided, or to the State board; and said State board may, if it deems it advisable, investigate the cause or causes of such controversy, and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given it by Section 3 of this act.

SEC. 9. Witnesses summoned by the State board shall be allowed the sum of fifty cents for each attendance, and the sum of twenty-five cents for each hour of attendance in excess of two hours, and shall be allowed five cents, a mile for travel each way from their respective places of employment or business to the place where the board is in session. Each witness shall certify in writing the amount of his travel and attendance, and the amount due him shall be paid forthwith by the board, and for such purpose the board shall be entitled to draw from the treasury of the State for the payment thereof any of the unappropriated moneys of the State.

SEC. 10. The members of said state board shall be paid six dollars per day for each day that they are actually engaged in the performance of their duties, to be paid out of the treasury of the State, and they shall be allowed their necessary traveling and other expenses, which shall be paid out of the treasury of the State.

COLORADO.

[CHAPTER 2 OF THE SESSION LAWS OF 1897. *Approved March 31.*]

An Act creating a State and local Boards of Arbitration and providing for the adjustment of differences between Employers and Employes and defining the powers and duties thereof and making an appropriation therefor.

Be it enacted by the General Assembly of the State of Colorado :

SECTION 1. There shall be established a State Board of Arbitration consisting of three members, which shall be charged, among other duties provided by this Act, with the consideration and settlement by means of arbitration, conciliation and adjustment, when possible, of strikes, lockouts and labor or wage controversies arising between employers and employes.

SECTION 2. Immediately after the passage of this Act the Governor shall appoint a State Board of Arbitration, consisting of three qualified resident citizens of the State of Colorado and above the age of thirty years. One of the members of said Board shall be selected from the ranks of active members of bona fide labor organizations of the State of Colorado, and one shall be selected from active employers of labor or from organizations representing employers of labor. The third member of the Board shall be appointed by the Governor from a list which shall not consist of more than six names selected from entirely disinterested ranks submitted by the two members of the Board above designated. If any vacancy should occur in said Board, the Governor shall, in the same manner, appoint an eligible citizen for the remainder of the term, as herein before provided.

SECTION 3. The third member of said Board shall be Secretary thereof, whose duty it shall be, in addition to his duties as a member of the Board, to keep a full and faithful record of the proceedings of the Board and perform such clerical work as may be necessary for a concise statement of all official business that may be transacted. He shall be the custodian of all documents and testimony of an official character relating to the business of the Board ; and shall also have, under direction of a majority of the Board, power to issue subpoenas, to administer oaths to witnesses cited before the Board, to call for and examine books, papers and documents necessary for examination in

the adjustment of labor differences, with the same authority to enforce their production as is possessed by courts of record or the judges thereof in this State.

SECTION 4. Said members of the Board of Arbitration shall take and subscribe the constitutional oath of office, and be sworn to the due and faithful performance of the duties of their respective offices before entering upon the discharge of the same. The Secretary of State shall set apart and furnish an office in the State Capitol for the proper and convenient transaction of the business of said Board.

SECTION 5. Whenever any grievance or dispute of any nature shall arise between employer and employes, it shall be lawful for the parties to submit the same directly to said Board, in case such parties elect to do so, and shall jointly notify said Board or its Clerk in writing of such desire. Whenever such notification is given it shall be the duty of said Board to proceed with as little delay as possible to the locality of such grievance or dispute, and inquire into the cause or causes of such grievance or dispute. The parties to the grievance or dispute shall thereupon submit to said Board in writing, clearly and in detail, their grievances and complaints and the cause or causes therefor, and severally agree in writing to submit to the decision of said Board as to the matters so submitted, promising and agreeing to continue on in business or at work, without a lockout or strike until the decision is rendered by the Board, provided such decision shall be given within ten days after the completion of the investigation. The Board shall thereupon proceed to fully investigate and inquire into the matters in controversy and to take testimony under oath in relation thereto; and shall have power under its Chairman or Clerk to administer oaths, to issue subpoenas for the attendance of witnesses, the production of books and papers in like manner and with the same powers as provided for in Section 3 of this Act.

SECTION 6. After the matter has been fully heard, the said Board, or a majority of its members, shall, within ten days, render a decision thereon in writing, signed by them or a majority of them, stating such details as will clearly show the nature of the decision and the points disposed of by them. The Clerk of said Board shall file four copies of such decision, one with the Secretary of State, a copy served to each of the parties to the controversy, and one copy retained by the Board.

SECTION 7. Whenever a strike or lockout shall occur or seriously threaten in any part of the State, and shall come to the knowledge of the members of the Board, or any one thereof by a written notice from either of the parties to such threatened strike or lockout, or from the Mayor or Clerk of the city or town, or from the Justice of the Peace of the district where such strike or lockout is threatened, it shall be their duty, and they are hereby directed, to proceed as soon as practicable to the locality of such strike or lockout and put themselves in communication with the parties to the controversy and endeavor by mediation to affect an amicable settlement of such controversy, and, if in their judgment it is deemed best, to inquire into the cause or causes of the controversy: and to that end the Board is hereby authorized to subpoena witnesses, compel their attendance, and send for persons and papers in like manner and with the same powers as it is authorized by Section 3 of this Act.

SECTION 8. The fees of witnesses before said Board of Arbitration shall be two dollars (\$2.00) for each day's attendance, and five (5) cents per mile over the nearest traveled routes in going to and returning from the place where attendance is required by the Board. All subpoenas shall be signed by the Secretary of the Board and may be served by any person of legal age authorized by the Board to serve the same.

SECTION 9. The parties to any controversy or difference as described in Section 5 of this Act may submit the matters in dispute in writing to a local Board of Arbitration and conciliation; said Board may either be mutually agreed upon or the employer may designate one of such arbitrators, the employees or their duly authorized agent another, and the two arbitrators so designated may choose a third who shall be Chairman of such local Board; such Board shall in respect to the matters referred to it have and exercise all the powers which the State Board might have and exercise, and its decision shall have such binding effect as may be agreed upon by the parties to the controversy in the written submission. The jurisdiction of such local Board shall be exclusive in respect to the matter submitted by it, but it may ask and receive the advice and assistance of the State Board. Such local Board shall render its decision in writing, within ten days after the close of any hearing held by it, and shall file a copy thereof with the Secretary of the State

Board. Each of such local arbitrators shall be entitled to receive from the Treasurer of the city, village or town in which the controversy or difference that is the subject of arbitration exists, if such payment is approved by the Mayor of such city, the Board of Trustees of such village, or the Town Board of such town, the sum of three dollars for each day of actual service not exceeding ten days for any one arbitration: Provided, that when such hearing is held at some point having no organized town or city government, in such case the costs of such hearing shall be paid jointly by the parties to the controversy: Provided further that in the event of any local Board of Arbitration or a majority thereof failing to agree within ten (10) days after any case being placed in their hands, the State Board shall be called upon to take charge of said case as provided by this Act.

SECTION 10. Said State Board shall report to the Governor annually, on or before the fifteenth day of November in each year, the work of the Board, which shall include a concise statement of all cases coming before the Board for adjustment.

SECTION 11. The Secretary of State shall be authorized and instructed to have printed for circulation one thousand (1,000) copies of the report of the Secretary of the Board, provided the volume shall not exceed four hundred (400) pages.

SECTION 12. Two members of the Board of Arbitration shall each receive the sum of five hundred dollars (\$500) annually, and shall be allowed all money actually and necessarily expended for traveling and other necessary expenses while in the performance of the duties of their office. The member herein designated to be the Secretary of the Board shall receive a salary of twelve hundred dollars (\$1,200) per annum. The salaries of the members shall be paid in monthly instalments by the State Treasurer upon the warrants issued by the Auditor of the State. The other expenses of the Board shall be paid in like manner upon approved vouchers signed by the Chairman of the Board of Arbitration and the Secretary thereof.

SECTION 13. The terms of office of the members of the Board shall be as follows: That of the members who are to be selected from the ranks of labor organizations and from the active employers of labor shall be for two years, and thereafter every two years the Governor shall appoint one from each class for the period of two years. The third member of the Board shall

be appointed as herein provided every two years. The Governor shall have power to remove any members of said Board for cause and fill any vacancy occasioned thereby.

SECTION 14. For the purpose of carrying out the provisions of this Act there is hereby appropriated out of the General Revenue Fund the sum of seven thousand dollars for the fiscal years 1897 and 1898, only one-half of which shall be used in each year, or so much thereof as may be necessary, and not otherwise appropriated.

SECTION 15. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

WYOMING.

Wyoming was admitted to the Union on July 11, 1890. Article 5 of the Constitution has the following provisions for the arbitration of labor disputes:

SECTION 28. The legislature shall establish courts of arbitration, whose duty it shall be to hear, and determine all differences, and controversies between organizations or associations of laborers, and their employers, which shall be submitted to them in such manner as the legislature may provide.

SECTION 30. Appeals from decisions of compulsory boards of arbitration shall be allowed to the supreme court of the state, and the manner of taking such appeals shall be prescribed by law.

MARYLAND.

An Act to provide for the reference of disputes between employers and employees to arbitration.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That whenever any controversy shall arise between any corporation incorporated by this State in which this State may be interested as a stockholder or creditor, and any persons in the employment or service of such corporation, which, in the opinion of the Board of Public Works, shall tend to impair the usefulness or prosperity of such corporation, the said Board of Public Works shall have power to demand and receive a statement of

the grounds of said controversy from the parties to the same ; and if, in their judgment, there shall be occasion so to do, they shall have the right to propose to the parties to said controversy, or to any of them, that the same shall be settled by arbitration ; and if the opposing parties to said controversy shall consent and agree to said arbitration, it shall be the duty of said Board of Public Works to provide in due form for the submission of the said controversy to arbitration, in such manner that the same may be finally settled and determined ; but if the said corporation or the said person in its employment or service, so engaged in controversy with the said corporation, shall refuse to submit to such arbitration, it shall be the duty of the said Board of Public Works to examine into and ascertain the cause of said controversy, and report the same to the next General Assembly.

SEC. 2. *And be it enacted*, That all subjects of dispute arising between corporations, and any person in their employment or service, and all subjects of dispute between employers and employees, employed by them in any trade or manufacture, may be settled and adjusted in the manner heretofore mentioned.

SEC. 3. *And be it further enacted*, That whenever such subjects of dispute shall arise as aforesaid, it shall be lawful for either party to the same to demand and have an arbitration or reference thereof in the manner following, that is to say : Where the party complaining and the party complained of shall come before, or agree by any writing under their hands, to abide by the determination of any judge or justice of the peace, it shall and may be lawful for such judge or justice of the peace to hear and finally determine in a summary manner the matter in dispute between such parties ; but if such parties shall not come before, or so agree to abide by the determination of such judge or justice of the peace, but shall agree to submit their said cause of dispute to arbitrators appointed under the provisions of this act, then it shall be lawful for any such judge or justice of the peace, and such judge or justice of the peace is hereby required, on complaint made before him, and proof that such agreement for arbitration has been entered into, to appoint arbitrators for settling the matters in dispute, and such judge or justice of the peace shall then and there propose not less than two nor more than four persons, one-half of whom shall be employers and the other half employees, acceptable to the parties to the dispute, respectively, who, together with such

judge or justice of the peace, shall have full power finally to hear and determine such dispute.

SEC. 4. *And be it further enacted*, That in all such cases of dispute as aforesaid, as in all other cases, if the parties mutually agree that the matter in dispute shall be arbitrated and determined in a different mode to the one hereby prescribed, such agreement shall be valid, and the award and determination thereon by either mode of arbitration shall be final and conclusive between the parties.

SEC. 5. *And be it further enacted*, That it shall be lawful in all cases for an employer or employee, by writing under his hand, to authorize any person to act for him in submitting to arbitration and attending the same.

SEC. 6. *And be it further enacted*, That every determination of dispute by any judge or justice of the peace shall be given as a judgment of the court over which said judge presides, and of the justice of the peace determining the same; and the said judge or justice of the peace shall award execution thereon as upon verdict, confession or nonsuit; and every award made by arbitrators appointed by any judge or justice of the peace under these provisions of this statute, shall be returned by said arbitrator to the judge or justice of the peace by whom they were appointed; and said judge or justice of the peace shall enter the same as an amicable action between the parties to the same in the court presided over by said judge or justice of the peace, with the same effect as if said action had been regularly commenced in said court by due process of law, and shall thereupon become a judgment of said court, and execution thereon shall be awarded as upon verdict, confession or nonsuit; in the manner provided in article seven of the Public General Laws of Maryland; and in all proceedings under this act, whether before a judge or justice of the peace, or arbitrators, costs shall be taxed as are now allowed by law in similar proceedings, and the same shall be paid equally by the parties to the dispute; such award shall remain four days in court during its sitting, after the return thereof, before any judgment shall be entered thereon; and if it shall appear to the court within that time that the same was obtained by fraud or malpractice in or by surprise, imposition or deception of the arbitrators, or without due notice to the parties or their attorneys, the court may set aside such award and refuse to give judgment thereon. [Approved April 1, 1878.]

KANSAS.

In 1899, pursuant to the Special Session Laws of the preceding year, the board of railroad commissioners went out of existence, and all its powers devolved upon a "court of visitation." The new body was further charged with the duty of summarily settling railroad strikes, empowered to enforce its decrees when the railroad companies are at fault, and given similar control over telegraphs; and a state solicitor was appointed to represent the people in proceedings before the court of visitation.

Since 1886 there has been a law providing for county tribunals and umpires of voluntary arbitration. A tribunal, licensed for one year by the court having jurisdiction, consists of four persons, one of whom is chairman; a fifth person is appointed umpire and sworn to make an award whenever the tribunal fails to do so in three meetings.

SPECIAL SESSION LAWS OF 1898, CHAPTERS 28 AND 38.*

Chapter 28, which created the court of visitation is in substance as follows:

Section 1 denominates it a court of record and prescribes the qualifications of the judges thereof.

Section 5 provides that there shall be a state solicitor and that his duty shall be to appear and represent the state in all proceedings and actions before the court of visitation to which the state is a party.

Section 8 defines the power and jurisdiction of the court to try and determine all questions as to what are reasonable freight and other

* The Western Union Telegraph Company v. Myatt, state solicitor, *et al.*, Circuit Court of the United States for the District of Kansas, First Division, November, 1899. This case arose on an application for a temporary injunction, and the complainant, "a corporation organized under the laws of the state of New York and a citizen of that state," showed that the prescribed rates were confiscatory in that they were less than the cost of performing the service. The injunction was granted.

The federal court held that the defendants were not general officers of the

charges connected with the transportation of property between points in the state; to apportion charges between connecting roads, determine all questions relating to charges for use of cars, etc.; to regulate charges for part car-load and mixed car-load lots of freight, etc.; to classify freight; to apportion transportation charges among connecting lines; to require the construction of depots, switches, etc., for public convenience; to compel reasonable and impartial train and car service; to regulate crossings and intersections of railroads and regulate the operation of trains over them; to prescribe rules concerning the movements of trains to secure safety to employees and the public; to require the use of improved appliances and methods to avoid accidents and injuries to persons; to restrict railroad corporations to operations within their charter powers, prevent the oppressive exercise thereof, and compel performance of all duties required of railroads by law; to summon juries, as a court of equity, in any case or matter before it, the qualifications of the jurors being prescribed; to exercise other and further powers as are given by the said act or as may be conferred by law.

Section 9 clothes the court with full common-law and equity powers as to matters within its jurisdiction; permits writs and process to compel attendance of parties and witnesses, the production of books, etc., to execute its decrees and orders, including writs of injunction and mandamus; allows the appointment of receivers to carry its judgments into effect; and authorizes punishment for contempt.

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Section 14 makes it the duty of the state solicitor to file information in the name of the state upon receiving sworn information of violation of law on the part of any railroad company.

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Section 21 provides that any person, corporation, county, etc., interested in any information or complaint shall be made a party to the proceedings.

Section 22, that any aggrieved person, corporation, etc., though not a party to the suit, may enter appearance therein at any time on show-

state; therefore, the suit was not against the state, and hence not within the prohibition of the eleventh amendment to the federal constitution; they were not a court within the meaning of section 720 of The Revised Statutes of the United States which prohibits the grant of a writ of injunction whose effect would be to stay proceedings in a state court; that the acts relating to the court of visitation were violative of the state constitution in attempting to confer inconsistent legislative and judicial powers upon the same body concerning the same subject-matter. "By the language of the act under consideration, the court of

ing that the decree of the court is being violated, and secure enforcement thereof.

Section 24 authorizes the court to order the information to be amended so as to bring the entire schedule of rates of the railroad company before it for consideration, if it deems it probably unjust to merely change the rate between the points mentioned in the information.

Section 28 provides for such decree at the conclusion of every trial as the pleadings and proofs warrant. After the trial of any action involving the reasonableness of a general schedule of freight charges, the court shall specially find the facts it deems most material, the value of the road and all property used in connection therewith, the actual cost, the amount of capital stock, the bonded and other indebtedness, what part is fictitious or fraudulent, if any, the average yearly revenue, the sources from whence derived, whether they will probably increase or diminish, the average expenses of operation and maintenance, etc. The court shall thereupon enter decree in accordance with its findings and decision, adjudging and decreeing what are reasonable rates for each and every service at issue in the case, and perpetually enjoining the defendant from demanding or receiving any other or different rates. The decree shall embody a complete schedule of the charges adjudged to be reasonable, and the classification of freight necessary for the explanation thereof.

Section 29 permits rehearing any order or decree, by the court, as a court of chancery.

Section 30 requires that copies of each order or decree determining what are reasonable charges shall be printed by each railroad company affected, and posted in a place convenient for public use.

Section 31 prescribes that in certain cases, companies owning connecting lines must be joined as defendants, and the hearing and decree shall include the joint rates and apportionment thereof.

Section 32 provides that if any company fails to comply with any

visitation can prescribe a tariff of rates and charges, judicially determine the reasonableness thereof, and then enforce their judicial determination in as radical a method as could be devised." It was held that such determination was not due process of law, and that to attempt to sequester the property of the complainant without due process of law is to deny to the complainant the equal protection of the laws and is violative of the first section of the fourteenth amendment to the constitution of the United States. The federal court, having declared the acts in question wholly void, or void in part, said: "It is unnecessary to

order or decree for 30 days after promulgation thereof, the court, upon proof of such failure, and after notice, may order sequestration of the whole or any part of the company's property, owned or leased, and appoint a receiver to take possession and charge of the property, and operate the same, and carry the order and decree into effect, or until the company shall furnish satisfactory security for compliance, in which latter case the accounts of the receiver shall be passed, and the net proceeds of operating the property shall be paid to the company, and the property returned to it.

Section 40 punishes discrimination and provides that any agent shall be deemed guilty of a misdemeanor, and punished by fine, of not more than \$1,000, or imprisonment in the county jail for not more than a year, if he shall knowingly demand, collect, or receive a greater compensation for the transportation of persons or property than that fixed by law or by the court, or who shall discriminate in the matter of rates and charges; and the railroad company itself is subject to a penalty of \$1,000, and each day that such violation continues constitutes a separate and additional offense. It is made the duty of the state solicitor to prosecute such offenses, or to recover the penalties by civil action.

Section 41 authorizes the recovery of damages by parties injured by the disobedience of any railroad company of the provisions of the act, or of any law of the state, or of any lawful order or decree of the court, together with costs and reasonable attorney's fees; and, if the disobedience is willful, exemplary damages may be awarded, not exceeding treble the amount of the actual damage.

SEC. 42.† Whenever it shall be made to appear to said court by affidavit that a strike by the employees, or part of them, of any railroad company organized under the laws of this state or doing business therein is obstructing commerce or the traffic on such railroad and inconveniencing the public, or the people of any municipality, or endangers or threatens the public tranquillity, said court shall issue a citation requiring said

determine in this case whether the court of visitation, though possessing no judicial functions, may still have and exercise the legislative and administrative powers specified in the acts of the legislature."

† The power of the court of visitation to settle strikes in the way prescribed was not considered, but it would seem that some of the principles laid down by the federal court might also be applied to section 42.

corporation to appear before it, at a day and hour named, and make answer, verified by the positive oath of an officer or agent of said corporation residing in this state and then present therein, concerning the said strike, its extent, the cause or causes thereof, what conduct, if any, of said corporation or its officers led to such strike, and the precise point or points of dispute between said corporation and its striking employees. If said answer be not made at the time fixed, or be evasive, the court shall make a final decree as upon hearing and enforce the same as such. If said answer be properly made, the matter shall be without further delay summarily heard upon evidence; and if the corporation be found free from fault in the premises and the strike unreasonable, the court shall so find, and the said proceedings shall be dismissed; and thereupon, and upon public notice as ordered by the court given of such decision, it shall be unlawful for said strikers or any of them to interfere in any manner whatever, by word or deed, with any other employees said corporation may employ and set to work. But if the court shall find that said corporation has failed in its duty toward its employees, or any of them, or has been unreasonable, tyrannical, oppressive, or unjust, and the strike resulted therefrom, the court shall so find specifically, and shall enter a decree commanding such corporation to proceed forthwith to perform its usual functions for the public convenience, and to the usual extent and with the usual facilities, as before said strike occurred; and if said decree shall not be implicitly obeyed, in full and in good faith, the court may take charge of said corporation's property and operate the same through a receiver or receivers appointed by said court until the court shall be satisfied that said corporation is prepared to fully resume its functions; all costs to be paid by said corporation. If, in answer to said original process ordering it to show cause as aforesaid, said corporation shall show to the court's satisfaction that said striking employees have resumed work and said strike has ended, the proceeding shall be dismissed. If in such answer it shall show to the court's satisfaction that said striking employees have resumed work under an agreement to remain in said corporation's service pending the hearing of the proceedings, and that the corporation will abide by the terms of said agreement, then, and only in such case, the hearing of

said matter in controversy concerning the cause or causes of said strike may be postponed on request a reasonable time, or from time to time, while said employees so remain at work; and upon settlement of said strike said proceedings may be at any time dismissed; but if said employees again quit work, said matter shall be brought to an immediate hearing and decree, notwithstanding a pending postponement.

SEC. 43. This act shall take effect and be in force from and after the 15th day of March, 1899, and after its publication in the official state paper. [*Approved Jan. 3, 1899. Published in official state paper Jan. 4, 1899.*]

Chapter 38 contains the following:

SECTION 1. From and after the taking effect of this act the court of visitation shall have the same power, jurisdiction and control over all questions concerning the regulation of the telegraph service in this state, the reasonableness of charges herein fixed or to be fixed by any order of said court and in all matters concerning the regulation, management or control of telegraph companies, as is conferred upon said court of visitation in reference to railroads or railway corporations in this state. It is hereby made the duty of the state solicitor to appear and prosecute for and on behalf of the state, subject to the same regulations as is prescribed for said state solicitor in the act creating the court of visitation.

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SEC. 8. Any person, company, or corporation, or any agent, servant or employee of any person, company or corporation, violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction be punished by a fine of not less than fifty dollars nor more than five hundred dollars, and imprisonment in the county jail not less than thirty days nor more than one year.

SEC. 9. This act shall take effect and be in force from and after its publication in the statute book. [*Approved Jan. 6, 1899. Published in the statute book, March 1, 1899.*]

The law relating to voluntary arbitration is as follows :

An Act to establish boards of arbitration, and defining their powers and duties.

Be it enacted by the Legislature of the State of Kansas :

SECTION 1. That the district court of each county, or a judge thereof in vacation, shall have the power, and upon the presentation of a petition as hereinafter provided it shall be the duty, of said court or judge to issue a license or authority for the establishment within and for any county within the jurisdiction of said court, of a tribunal for voluntary arbitration and settlements of disputes between employers and employed in the manufacturing, mechanical, mining and other industries.

SEC. 2. The said petition shall be substantially in the form hereinafter given, and the petition shall be signed by at least five persons employed as workmen, or by two or more separate firms, individuals, or corporations within the county who are employers within the county: *Provided*, That at the time the petition is presented, the judge before whom said petition is presented may, upon motion, require testimony to be taken as to the representative character of said petitioners, and if it appears that the requisite number of said petitioners are not of the character they represent themselves to be, the establishment of the said tribunal may be denied, or he may make such other order in that behalf as shall to him seem fair to both sides.

SEC. 3. If the said petition shall be signed by the requisite number of either employers or workmen, and be in proper form, the judge shall forthwith cause to be issued a license, authorizing the existence of such a tribunal and containing the names of four persons to compose the tribunal, two of whom shall be workmen and two employers, all residents of said county, and fixing the time and place of the first meeting thereof; and an entry of the license so granted shall be made upon the journal of the district court of the county in which the petition originated.

SEC. 4. Said tribunal shall continue in existence for one year, from the date of the license creating it, and may take jurisdiction of any dispute between employers and workmen in any mechanical, manufacturing, mining, or other industry, who may submit their disputes in writing to such tribunal for decision.

Vacancies occurring in the membership of the tribunal shall be filled by the judge or court that licensed said tribunal. Disputes occurring in one county may be referred to a tribunal already existing in an adjoining county. Said court at the time of the issuance of said license shall appoint an umpire for said tribunal, who shall be sworn to impartially decide all questions that may be submitted to him during his term of office. The umpire shall be called upon to act after disagreement is manifested in the tribunal by failure to agree during three meetings held and full discussion had. His award shall be final and conclusive upon such matters only as are submitted to him in writing and signed by the whole of the members of the tribunal, or by parties submitting the same. And the award of said tribunal shall be final and conclusive upon the questions so submitted to it: *Provided*, That said award may be impeached for fraud, accident or mistake.

SEC. 5. The said tribunal when convened shall be organized by the selection of one of their number as chairman, and one as secretary, who shall be chosen by a majority of the members.

SEC. 6. The members of the tribunal and the umpire shall each receive as compensation for their services, out of the treasury of the county in which said dispute shall arise, two dollars for each day of actual service. The sessions of said tribunal shall be held at the county seat of the county where the petition for the same was presented, and a suitable room for the use of said tribunal shall be provided by the county commissioners.

SEC. 7. All submissions of matters in dispute shall be made to the chairman of said tribunal, who shall file the same. The chairman of the tribunal shall have power to administer oaths to all witnesses who may be produced, and a majority of said tribunal may provide for the examination and investigation of books, documents and accounts necessary, material, and pertaining to the matters in hearing before the tribunal, and belonging to either party to the dispute. The umpire shall have power when necessary to administer oaths and examine witnesses, and examine and investigate books, documents and accounts pertaining to the matters submitted to him for decision.

SEC. 8. The said tribunal shall have power to make, ordain and enforce rules for the government of the body, when in session, to enable the business to be proceeded with in order, and to fix its sessions and adjournments; but such rules shall not

conflict with this statute nor with any of the provisions of the constitution and laws of the state: *Provided*, That the chairman of said tribunal may convene said tribunal in extra session at the earliest day possible, in cases of emergency.

SEC. 9. Before the umpire shall proceed to act, the question or questions in dispute shall be plainly defined in writing and signed by the members of the tribunal or a majority thereof, or by the parties submitting the same; and such writing shall contain the submission of the decision thereof to the umpire by name, and shall provide that his decision thereon after hearing shall be final; and said umpire must make his award within five days from the time the question or questions in dispute are submitted to him. Said award shall be made to the tribunal; and if the award is for a specific sum of money, said award of money, or the award of the tribunal, when it shall be for a specific sum, may be made a matter of record by filing a copy thereof in the district court of the county wherein the tribunal is in session. When so entered of record it shall be final and conclusive, and the proper court may on motion of anyone interested, enter judgment thereon; and when the award is for a specific sum of money may issue final and other process to enforce the same: *Provided*, That any such award may be impeached for fraud, accident, or mistake.

SEC. 10. The form of the petition praying for a tribunal under this act shall be as follows:—

To the District Court of County (or a judge thereof, as the case may be): The subscribers hereto being the number and having the qualifications required in this proceeding, being desirous of establishing a tribunal of voluntary arbitration for the settlement of disputes in the manufacturing, mechanical, mining and other industries, pray that a license for a tribunal of voluntary arbitration may be issued, to be composed of four persons and an umpire, as provided by law.

SEC. 11. This act to be in force and take effect from and after its publication in the official state paper. [*Published February 25, 1886.*]

IOWA.

**An Act to Authorize the Creation and to Provide for the
Operation of Tribunals of Voluntary Arbitration to
Adjust Industrial Disputes between Employers and
Employed.**

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the district court of each county, or a judge thereof in vacation, shall have power, and upon the presentation of a petition, or of the agreement hereinafter named, it shall be the duty of said court, or a judge thereof in vacation, to issue in the form hereinafter named, a license or authority for the establishment within and for each county of tribunals for voluntary arbitration and settlement of disputes between employers and employed in the manufacturing, mechanical or mining industries.

SEC. 2. The said petition or agreement shall be substantially in the form hereinafter given, and the petition shall be signed by at least twenty persons employed as workmen, and by four or more separate firms, individuals, or corporations within the county, or by at least four employers, each of whom shall employ at least five workmen, or by the representative of a firm, corporation or individual employing not less than twenty men in their trade or industry; *provided*, that at the time the petition is presented, the judge before whom said petition is presented may, upon motion require testimony to be taken as to the representative character of said petitioners, and if it appears that said petitioners do not represent the will of a majority, or at least one-half of each party to the dispute, the license for the establishment of said tribunal may be denied, or may make such other order in this behalf as to him shall seem fair to both sides.

SEC. 3. If the said petition shall be signed by the requisite number of both employers and workmen, and be in proper form and contain the names of the persons to compose the tribunal, being an equal number of employers and workmen, the judge shall forthwith cause to be issued a license substantially in the form hereinafter given, authorizing the existence of such tribu-

nal and fixing the time and place of the first meeting thereof, and an entry of the license so granted shall be made upon the journal of the district court of the county in which the petition originated.

SEC. 4. Said tribunal shall continue in existence for one year from date of the license creating it, and may take jurisdiction of any dispute between employers and workmen in any mechanical, manufacturing, or mining industry, or business, who shall have petitioned for the tribunal, or have been represented in the petition therefor, or who may submit their disputes in writing to such tribunal for decision. Vacancies occurring in the membership of the tribunal shall be filled by the judge or court that licensed said tribunal, from three names, presented by the members of the tribunal remaining in that class, in which the vacancies occur. The removal of any member to an adjoining county, shall not cause a vacancy in either the tribunal or post of umpire. Disputes occurring in one county may be referred to a tribunal already existing in an adjoining county. The place of umpire in any of said tribunals and vacancies occurring in such place, shall only be filled by the mutual choice of the whole of the representatives, of both employers and workmen constituting the tribunal, immediately upon the organization of the same, and the umpire shall be called upon to act after disagreement is manifested in the tribunal by failure during three meetings held and full discussion had. His award shall be final and conclusive upon such matters only as are submitted to him in writing and signed by the whole of the members of the tribunal, or by parties submitting the same.

SEC. 5. The said tribunal shall consist of not less than two employers or their representatives, and two workmen or their representatives. The exact number which shall in each case constitute the tribunal, shall be inserted in the petition or agreement, and they shall be named in the license issued. The said tribunal, when convened shall be organized by the selection of one of their members as chairman and one as secretary, who shall be chosen by a majority of the members, or if such majority cannot be had after two votes, then by secret ballot, or by lot, as they prefer.

SEC. 6. The members of the tribunal shall receive no compensation for their services from the city or county, but the expenses of the tribunal, other than fuel, light and the use of the room and furniture, may be paid by voluntary subscription, which the tribunal is authorized to receive and expend for such purposes. The sessions of said tribunal shall be held at the county seat of the county where the petition for the same was presented, and a room in the court house or elsewhere for the use of said tribunal shall be provided by the county board of supervisors.

SEC. 7. When no umpire is acting, the chairman of the tribunal shall have power to administer oaths to all witnesses who may be produced, and a majority of said tribunal may provide for the examination and investigation of books, documents and accounts pertaining to the matters in hearing before the tribunal, and belonging to either party to the dispute; *provided*, that the tribunal may unanimously direct that instead of producing books, papers and accounts before the tribunal, an accountant agreed upon by the entire tribunal may be appointed to examine such books, papers and accounts, and such accountant shall be sworn to well and truly examine such books, documents and accounts, as may be presented to him, and to report the results of such examination in writing to said tribunal. Before such examination, the information desired and required by the tribunal shall be plainly stated in writing, and presented to said accountant, which statement shall be signed by the members of said tribunal, or by a majority of each class thereof. Attorneys at law or other agents of either party to the dispute, shall not be permitted to appear or take part in any of the proceedings of the tribunal, or before the umpire.

SEC. 8. When the umpire is acting he shall preside and he shall have all the power of the chairman of the tribunal, and his determination upon all questions of evidence, or other questions in conducting the inquiries there pending, shall be final. Committees of the tribunal consisting of an equal number of each class may be constituted to examine into any question in dispute between employers and workmen which may have been referred to said committee by the tribunal, and such committee may hear, and settle the same finally, when it can be done by a

unanimous vote; otherwise the same shall be reported to the full tribunal, and be there heard as if the question had not been referred. The said tribunal in connection with the said umpire shall have power to make or ordain and enforce rules for the government of the body when in session to enable the business to be proceeded with, in order, and to fix its sessions and adjournments, but such rules shall not conflict with this statute nor with any of the provisions of the constitution and laws of Iowa.

SEC. 9. Before the umpire shall proceed to act, the question or questions in dispute shall be plainly defined in writing and signed by the members of the tribunal, or a majority thereof of each class, or by the parties submitting the same, and such writing shall contain the submission of the decision thereof to the umpire by name, and shall provide that his decision thereon, after hearing shall be final. The umpire shall be sworn to impartially decide all questions that may be submitted to him during his term of office. The submission and his award may be made in the form hereinafter given, and said umpire must make his award within ten days from the time the question or questions in dispute are submitted to him. Said award shall be made to the tribunal; and if the award is for a specific sum of money, said award may be made a matter of record by filing a copy thereof in the district court of the county wherein the tribunal is in session. When so entered of record it shall be final and conclusive, and the proper court may, on motion of any one interested enter judgment thereon; and when the award is for a specific sum of money may issue final and other process to enforce the same.

SEC. 10. The form of the joint petition or agreement praying for a tribunal under this act shall be as follows:

To the District Court of _____ County (or to a judge thereof, as the case may be):

The subscribers hereto being the number, and having the qualifications required in this proceeding, being desirous of establishing a tribunal of voluntary arbitration for the settlement of disputes in the (here name the branch of industry), trade, and having agreed upon A, B, C, D, and E representing the employers, and G, H, I, J, and K representing the workmen, as members of said tribunal, who each

are qualified to act thereon, pray that a license for a tribunal in the _____ trade may be issued to said persons named above.

EMPLOYERS.	Names.	Residence.	Works.	Number employed.

EMPLOYEES.	Names.	Residence.	By whom employed.

SEC. 11. The license to be issued upon such petition may be as follows.

STATE OF IOWA }
COUNTY } ss

Whereas, The joint petition, and agreement of four employers (or representatives of a firm or corporation or individual employing twenty men as the case may be), and twenty workmen have been presented to this court (or if to a judge in vacation so state) praying the creation of a tribunal, of voluntary arbitration for the settlement of disputes in the workman trade within this county and naming A, B, C, D, and E representing the employers, and G, H, I, J, and K representing the workmen. Now in pursuance of the statute for such case made, and provided said named persons are hereby licensed, and authorized to be, and exist as a tribunal of voluntary arbitration for the settlement of disputes between employers, and workmen for the period of one year from this date, and they shall meet, and organize on the _____ day of _____ A.D. _____ at _____

Signed this _____ day of _____, A.D. _____

Clerk of the _____ District Court of _____ County.

SEC. 12. When it becomes necessary to submit a matter in controversy to the umpire it may be in form as follows:

We A, B, C, D, and E representing employers, and G, H, I, J, and K representing workmen composing a tribunal of voluntary arbitration hereby submit, and refer unto the umpirage of L (the umpire

of the tribunal of the _____ trade) the following subject-matter, viz.: (Here state full, and clear the matter submitted), and we hereby agree that his decision and determination upon the same shall be binding upon us, and final, and conclusive upon the questions thus submitted, and we pledge ourselves to abide by, and carry out the decision of the umpire when made.

Witness our names this _____ day of _____ A.D. _____
(Signatures) _____

SEC. 13. The umpire shall make his award in writing to the tribunal, stating distinctly his decision on the subject-matter submitted, and when the award is for a specific sum of money, the umpire shall forward a copy of the same to the clerk of the proper court. [*Approved March 6, 1886.*]

PENNSYLVANIA.

An Act to establish boards of arbitration to settle all questions of wages and other matters of variance between capital and labor.

WHEREAS, The great industries of this Commonwealth are frequently suspended by strikes and lockouts resulting at times in criminal violation of the law and entailing upon the State vast expense to protect life and property and preserve the public peace:

And, whereas, No adequate means exist for the adjustment of these issues between capital and labor, employers and employes, upon an equitable basis where each party can meet together upon terms of equality to settle the rates of compensation for labor and establish rules and regulations for their branches of industry in harmony with law and a generous public sentiment: Therefore,

SECTION 1. *Be it enacted, &c.,* That whenever any differences arise between employers and employes in the mining, manufacturing or transportation industries of the Commonwealth which cannot be mutually settled to the satisfaction of a majority of all parties concerned, it shall be lawful for either party, or for both parties jointly, to make application to the

court of common pleas wherein the service is to be performed about which the dispute has arisen to appoint and constitute a board of arbitration to consider, arrange and settle all matters at variance between them which must be fully set forth in the application, such application to be in writing and signed and duly acknowledged before a proper officer by the representatives of the persons employed as workmen, or by the representatives of a firm, individual or corporation, or by both, if the application is made jointly by the parties; such applicants to be citizens of the United States, and the said application shall be filed with the record of all proceedings had in consequence thereof among the records of said court.

SECTION 2. That when the application duly authenticated has been presented to the court of common pleas, as aforesaid, it shall be lawful for said court, if in its judgment the said application allege matters of sufficient importance to warrant the intervention of a board of arbitrators in order to preserve the public peace, or promote the interests and harmony of labor and capital, to grant a rule on each of the parties to the alleged controversy, where the application is made jointly, to select three citizens of the county of good character and familiar with all matters in dispute to serve as members of the said board of arbitration which shall consist of nine members all citizens of this Commonwealth; as soon as the said members are appointed by the respective parties to the issue, the court shall proceed at once to fill the board by the selection of three persons from the citizens of the county of well-known character for probity and general intelligence, and not directly connected with the interests of either party to the dispute, one of whom shall be designated by the said judge as president of the board of arbitration.

Where but one party makes application for the appointment of such board of arbitration the court shall give notice by order of court to both parties in interest, requiring them each to appoint three persons as members of said board within ten days thereafter, and in case either party refuse or neglects to make such appointment the court shall thereupon fill the board by the selection of six persons who, with the three named by the other party in the controversy, shall constitute said board of arbitration.

The said court shall also appoint one of the members thereof secretary to the said board, who shall also have a vote and

the same powers as any other member, and shall also designate the time and place of meeting of the said board. They shall also place before them copies of all papers and minutes of proceedings to the case or cases submitted.

SECTION 3. That when the board of arbitrators has been thus appointed and constituted, and each member has been sworn or affirmed and the papers have been submitted to them, they shall first carefully consider the records before them and then determine the rules to govern their proceedings; they shall sit with closed doors until their organization is consummated after which their proceedings shall be public. The president of the board shall have full authority to preserve order at the sessions and may summon or appoint officers to assist and in all ballotings he shall have a vote. It shall be lawful for him at the request of any two members of the board to send for persons, books and papers, and he shall have power to enforce their presence and to require them to testify in any matter before the board, and for any wilful failure to appear and testify before said board, when requested by the said board, the person or persons so offending shall be guilty of a misdemeanor, and on conviction thereof in the court of quarter sessions of the county where the offence is committed, shall be sentenced to pay a fine not exceeding five hundred dollars and imprisonment not exceeding thirty days, either or both, at the discretion of the court.

SECTION 4. That as soon as the board is organized the president shall announce that the sessions are opened and the variants may appear with their attorneys and counsel, if they so desire, and open their case, and in all proceedings the applicant shall stand as plaintiff, but when the application is jointly made, the employes shall stand as plaintiff in the case, each party in turn shall be allowed a full and impartial hearing and may examine experts and present models, drawings, statements and any proper matter bearing on the case, all of which shall be carefully considered by the said board in arriving at their conclusions, and the decision of the said board shall be final and conclusive of all matters brought before them for adjustment, and the said board of arbitration may adjourn from the place designated by the court for holding its sessions, when it deems it expedient to do so, to the place or places where the

dispute arises and hold sessions and personally examine the workings and matters at variance to assist their judgment.

SECTION 5. That the compensation of the members of the board of arbitration shall be as follows, to wit: each shall receive four dollars per diem and ten cents per mile both ways between their homes and the place of meeting by the nearest comfortable routes of travel to be paid out of the treasury of the county where the arbitration is held, and witnesses shall be allowed from the treasury of the said county the same fees now allowed by law for similar services.

SECTION 6. That the board of arbitrators shall duly execute their decision which shall be reached by a vote of a majority of all the members by having the names of those voting in the affirmative signed thereon and attested by the secretary, and their decisions, together with all the papers and minutes of their proceedings, shall be returned to and filed in the court aforesaid for safe keeping.

SECTION 7. All laws and parts of laws inconsistent with the provisions of this act be and the same are hereby repealed.
[*Approved the 18th day of May, A.D. 1893.*]

TEXAS.

[CHAPTER 379.]

An Act to provide for the amicable adjustment of grievances and disputes that may arise between employers or receiver and employes, and to authorize the creation of a board of arbitration; to provide for compensation of said board, and to provide penalties for the violation hereof.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That whenever any grievance or dispute of any nature, growing out of the relation of employer and employes, shall arise or exist between employer and employes, it shall be lawful upon mutual consent of all parties, to submit all matters respecting such grievance or dispute in writing to a board of arbitrators to hear, adjudicate, and determine the same. Said board shall consist of five (5) persons. When the employes concerned in such grievance or dispute as the aforesaid are members in good standing of any labor organization which is

represented by one or more delegates in a central body, the said central body shall have power to designate two (2) of said arbitrators, and the employer shall have the power to designate two (2) others of said arbitrators, and the said four arbitrators shall designate a fifth person as arbitrator, who shall be chairman of the board. In case the employees concerned in any such grievance or dispute as aforesaid are members in good standing of a labor organization which is not represented in a central body, then the organization of which they are members shall designate two members of said board, and said board shall be organized as hereinbefore provided; and in case the employees concerned in any such grievance or dispute as aforesaid are not members of any labor organization, then a majority of said employees, at a meeting duly held for that purpose, shall designate two arbitrators for said board, and said board shall be organized as hereinbefore provided: *Provided*, that when the two arbitrators selected by the respective parties to the controversy, the district judge of the district having jurisdiction of the subject matter shall, upon notice from either of said arbitrators that they have failed to agree upon the fifth arbitrator, appoint said fifth arbitrator.

SEC. 2. That any board as aforesaid selected may present a petition in writing to the district judge of the county where such grievance or dispute to be arbitrated may arise, signed by a majority of said board, setting forth in brief terms the facts showing their due and regular appointment, and the nature of the grievance or dispute between the parties to said arbitration, and praying the license or order of such judge establishing and approving of said board of arbitration. Upon the presentation of said petition it shall be the duty of said judge, if it appear that all requirements of this act have been complied with, to make an order establishing such board of arbitration and referring the matters in dispute to it for hearing, adjudication and determination. The said petition and order, or a copy thereof, shall be filed in the office of the district clerk of the county in which the arbitration is sought.

SEC. 3. That when a controversy involves and affects the interests of two or more classes or grades of employees belonging to different labor organizations, or of individuals who are not members of a labor organization, then the two arbitrators

selected by the employes shall be agreed upon and selected by the concurrent action of all such labor organizations, and a majority of such individuals who are not members of a labor organization.

SEC. 4. The submission shall be in writing, shall be signed by the employer or receiver and the labor organization representing the employes, or any laborer or laborers to be affected by such arbitration who may not belong to any labor organization, shall state the question to be decided, and shall contain appropriate provisions by which the respective parties shall stipulate as follows :

1. That pending the arbitration the existing status prior to any disagreement or strike shall not be changed.

2. That the award shall be filed in the office of the clerk of the district court of the county in which said board of arbitration is held, and shall be final and conclusive upon both parties, unless set aside for error of law, apparent on the record.

3. That the respective parties to the award will each faithfully execute the same, and that the same may be specifically enforced in equity so far as the powers of a court of equity permit.

4. That the employes dissatisfied with the award shall not by reason of such dissatisfaction quit the service of said employer or receiver before the expiration of thirty days, nor without giving said employer or receiver thirty days written notice of their intention so to quit.

5. That said award shall continue in force as between the parties thereto for the period of one year after the same shall go into practical operation, and no new arbitration upon the same subject between the same parties shall be had until the expiration of said one year.

SEC. 5. That the arbitrators so selected shall sign a consent to act as such and shall take and subscribe an oath before some officer authorized to administer the same to faithfully and impartially discharge his duties as such arbitrator, which consent and oath shall be immediately filed in the office of the clerk of the district court wherein such arbitrators are to act. When said board is ready for the transaction of business it shall select one of its members to act as secretary and the parties to the dispute shall receive notice of a time and place of hearing,

which shall be not more than ten days after such agreement to arbitrate has been filed.

SEC. 6. The chairman shall have power to administer oaths and to issue subpoenas for the production of books and papers and for the attendance of witnesses to the same extent that such power is possessed by the court of record or the judge thereof in this State. The board may make and enforce the rules for its government and transaction of the business before it and fix its sessions and adjournment, and shall herein examine such witnesses as may be brought before the board, and such other proof as may be given relative to the matter in dispute.

SEC. 7. That when said board shall have rendered its adjudication and determination its powers shall cease, unless there may be at the time in existence other similar grievances or disputes between the same class of persons mentioned in section 1, and in such case such persons may submit their differences to said board, which shall have power to act and adjudicate and determine the same as fully as if said board was originally created for the settlement of such difference or differences.

SEC. 8. That during the pendency of arbitration under this act it shall not be lawful for the employer or receiver party to such arbitration, nor his agent, to discharge the employes parties thereto, except for inefficiency, violation of law, or neglect of duty, or where reduction of force is necessary, nor for the organization representing such employes to order, nor for the employes to unite in, aid or abet strikes or boycotts against such employer or receiver.

SEC. 9. That each of the said board of arbitrators shall receive three dollars per day for every day in actual service, not to exceed ten (10) days, and traveling expenses not to exceed five cents per mile actually traveled in getting to or returning from the place where the board is in session. That the fees of witnesses of aforesaid board shall be fifty cents for each day's attendance and five cents per mile traveled by the nearest route to and returning from the place where attendance is required by the board. All subpoenas shall be signed by the secretary of the board and may be served by any person of full age authorized by the board to serve the same. That the fees and mileage of witnesses and the per diem and traveling expenses of said arbitrators shall be taxed as costs against either

or all of the parties to such arbitration, as the board of arbitrators may deem just, and shall constitute part of their award, and each of the parties to said arbitration shall, before the arbitration (arbitrators) proceed to consider the matters submitted to them, give a bond, with two or more good and sufficient sureties in an amount to be fixed by the board of arbitration, conditioned for the payment of all the expenses connected with the said arbitration.

SEC. 10. That the award shall be made in triplicate. One copy shall be filed in the district clerk's office, one copy shall be given to the employer or receiver, and one copy to the employes or their duly authorized representative. That the award being filed in the clerk's office of the district court, as herein before provided, shall go into practical operation and judgment shall be entered thereon accordingly at the expiration of ten days from such filing, unless within such ten days either party shall file exceptions thereto for matter of law apparent on the record, in which case said award shall go into practical operation and judgment rendered accordingly when such exceptions shall have been fully disposed of by either said district court or on appeal therefrom.

SEC. 11. At the expiration of ten days from the decision of the district court upon exceptions taken to said award as aforesaid, judgment shall be entered in accordance with said decision, unless during the said ten days either party shall appeal therefrom to the Court of Civil Appeals holding jurisdiction thereof. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said exceptions and to be decided. The determination of said Court of Civil Appeals upon said questions shall be final, and being certified by the clerk of said Court of Civil Appeals, judgment pursuant thereto shall thereupon be entered by said district court. If exceptions to an award are finally sustained, judgment shall be entered setting aside the award; but in such case the parties may agree upon a judgment to be entered disposing of the subject matter of the controversy, which judgment, when entered, shall have the same force and effect as judgment entered upon an award.

SEC. 12. The near approach of the end of the session, and

the great number of bills requiring the attention of the Legislature, creates an imperative public necessity and an emergency that the constitutional rule requiring bills to be read in each house on three several days be suspended, and it is so suspended. [*Approved April 24, 1895.*]

MISSOURI.

An Act to provide for a board of mediation and arbitration for the settlement of differences between employers and their employes.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. Upon information furnished by an employer of laborers, or by a committee of employes, or from any other reliable source, that a dispute has arisen between employers and employes, which dispute may result in a strike or lockout, the commissioner of labor statistics and inspection shall at once visit the place of dispute and seek to mediate between the parties, if, in his discretion it is necessary so to do.

SEC. 2. If a mediation can not be effected, the commissioner may at his discretion direct the formation of a board of arbitration, to be composed of two employers and two employes engaged in a similar occupation to the one in which the dispute exists, but who are not parties to the dispute, and the commissioner of labor statistics and inspection, who shall be president of the board.

SEC. 3. The board shall have power to summon and examine witnesses and hear the matter in dispute, and, within three days after the investigation, render a decision thereon, which shall be published, a copy of which shall be furnished each party in dispute, and shall be final, unless objections are made by either party within five days thereafter: Provided, that the only effect of the investigation herein provided for shall be to give the facts leading to such dispute to the public through an unbiased channel.

SEC. 4. In no case shall a board of arbitration be formed when work has been discontinued, either by action of the employer or the employes; should, however, a lockout or strike have occurred before the commissioner of labor statistics could

be notified, he may order the formation of a board of arbitration upon resumption of work.

SEC. 5. The board of arbitration shall appoint a clerk at each session of the board, who shall receive three dollars per day for his services, to be paid, upon approval by the commissioner of labor statistics, out of the fund appropriated for expenses of the bureau of labor statistics. [*Approved April 11, 1889.*]

NORTH DAKOTA.

Chapter 46, of the Acts of 1890, defining the duties of the Commissioner of Agriculture and Labor, has the following:—

SECTION 7. If any difference shall arise between any corporation or person, employing twenty-five or more employes, and such employes, threatening to result, or resulting in a strike on the part of such employes, or a lockout on the part of such employer, it shall be the duty of the commissioner, when requested so to do by fifteen or more of said employes, or by the employers, to visit the place of such disturbance and diligently seek to mediate between such employer and employes.

NEBRASKA.

The law creating the Bureau of Labor and Industrial Statistics of the State of Nebraska, defines the duties of the chief officer as follows:—

SEC. 4. The duties of said commissioner shall be to collect, collate and publish statistics and facts relative to manufacturers, industrial classes, and material resources of the state, and especially to examine into the relations between labor and capital; the means of escape from fire and protection of life and health in factories and workshops, mines and other places of industries; the employment of illegal child labor; the exaction of unlawful hours of labor from any employee; the educational, sanitary, moral, and financial condition of laborers and artisans; the cost of food, fuel, clothing, and building material; the causes of strikes and lockouts, as well as kindred subjects and matters pertaining to the welfare of industrial interests and classes. [*Approved March 31, 1887.*]

PUBLIC DOCUMENT

. . . . No. 40.

ANNUAL REPORT

OF THE

STATE BOARD OF ARBITRATION AND CONCILIATION

FOR THE YEAR ENDING DECEMBER 31, 1900.

BOSTON :

WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
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1901.

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WARREN A. REED, Chairman.
RICHARD P. BARRY.
CHARLES DANA PALMER.

BERNARD F. SUPPLE, Clerk,
Room 128, State House, Boston.

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FIFTEENTH ANNUAL REPORT.

To the Senate and House of Representatives in General Court assembled.

It has been the custom of the Board during the fourteen years of its existence to submit, as its annual report, a concise statement, in narrative form, of the facts in each controversy which has engaged its attention during the preceding year. We see no reason for change in this respect. No other form of report would be likely to furnish a better record of the actual work done by the Board or illustrate more clearly its scope and methods. And yet, when these details have been recounted, there seems something still left to say. The interest of the public in industrial conciliation and arbitration is increasing. The subject is, perhaps, as important as any of those occupying the minds of the people to-day. It may not be amiss, therefore, if suggestions that have occurred to the Board while attending to its duties are added to the reports of cases.

Considering the comparatively short time that has elapsed since the question of an amicable settlement of industrial troubles has been before the community, its solution has made satisfactory, even remarkable, progress. Although strikes took place in this country even in the eighteenth century, and for many years prior to 1877 were not uncommon, still, the latter date, when the first great historic strike occurred, may be said to mark the beginning of the

public attention to the subject. During the last quarter of a century our people have been getting acquainted with the problem. The fear and timidity of a large part of the community who saw a Robespierre or a Marat in every labor leader have largely given place to a feeling of confidence that in these questions the American people will use that reason and good sense which have stood them in good stead so often before. Twenty-five years is a short period in which to bring forward a social question of such magnitude as this, and to place it fairly and fully before the public at large. And yet it appears to be true that the public is fully awakened on this subject and is rapidly advancing towards steps for its solution. It is not advancing, however, as rapidly as it would wish. Impatient of waiting, now that the problem has been enunciated, it would reach the end of the matter in one step. Some ready-made plan is hoped for which will settle the whole question; some formula, which will bring the correct answer every time. Notwithstanding its eagerness, however, it is not improbable that the community will need to exercise a large amount of patience before it has its riddle read. Such questions as these have an exasperating way of taking their own time for a solution.

The truth is, a good many different interests will have to be harmonized before we can go very deep into this subject. Whether the public has any rights or duties in the matter of an equitable solution of the labor problem, and, if so, what is their nature and extent? What are the rights of organized labor, unorganized labor and organized capital? When are combinations lawful and when are they conspiracies? All these questions must be worked out in a spirit of fairness and definitely settled. It is not to be

expected that interests so different should be composed except under the influence of time. Plans for settling industrial difficulties are not few, but those which commend themselves most to thinkers may be divided into two classes: on the one hand, those in which the public undertakes a part, either indirectly by moral influence, called public opinion, or directly by requiring a submission of irreconcilable differences to some tribunal having a power to enforce its decision; or, on the other hand, those in which the public has no part, or, as it is sometimes put, is not allowed to interfere, and in which all questions are settled by employer and employee among themselves, in such manner as may be mutually agreed upon.

The right of the public to appear in the contest is as stoutly claimed on one side as it is denied on the other, and it is not impossible that this question will press itself forward for solution even more in the future than it has in the past.

As a moral factor, public opinion is likely to enter into the settlement of the economic questions in a large degree in the future, and perhaps may so mould the conceptions of both the employer and employee that a much easier solution than we can now see may become possible. It is not to be expected that schemes will be wanting where the necessity for results has become so apparent, and, indeed, it is to the credit of any person or body of persons that they are sufficiently interested in the subject honestly to bring forward plans for the settlement of these vexed questions. In examining each, it should be remembered that the subject is in its experimental stage, and that we cannot afford to dogmatize. Toleration of the views of all who desire to assist in solving the problem is much to be commended.

An examination of the cases that have occupied the attention of the Board during the past year will show an unmistakable trend toward conciliation rather than arbitration as a means of settling disputes. Arbitration, at present, lags behind conciliation as a factor in composing labor troubles. The prevailing opinion regarding the former seems to be that it is an excellent thing in all quarrels but one's own. Conciliatory methods, by which the parties retain control of the proceedings, instead of submitting the issue to a third person, are of highest importance and deserve careful study. The evident tendency of the parties to labor difficulties to enter into conference concerning the causes of dispute is the distinguishing characteristic of the present stage of the labor problem. It is the part of the mediator to make the most of this tendency. Here is a distinct step in advance of the belligerent attitude. When men will reason together, they are already well advanced toward a peaceful solution of their differences. A large part of the trouble in the labor world is caused by misunderstanding, suspicion, lack of confidence, and an inability to see the other side. In such cases conferences, entered into in a proper spirit, are remarkably successful.

The value of conciliatory methods of treatment is becoming better understood than it used to be, and it seems clear that they are susceptible of still more satisfactory development.

Mediation looking to bring about a conference between parties who are not inclined to reason together is the first action of the Board in most cases, and is often all that is needed.

It has been the practice of the Board to recommend a settlement by direct negotiation, when possible. In many

instances such advice has been responded to with signal success.

It is in this class of cases, more than in any other, that the community, by enlightened public opinion, can assist in bringing about industrial peace. Whatever method is employed that tends to substitute reason for passion and force should have the sympathy of the community. Public opinion is a factor in labor troubles of ever-increasing importance, and to the extent of asking men to reason together about labor difficulties should let its voice be heard. Progress along the same line is indicated by the tendency of employers and employees to enter into joint trade agreements. We have had occasion in previous reports to commend the wisdom of the policy of prevention of trouble in the labor world by anticipatory agreements. It is gratifying to note that the disposition to favor such agreements continues, and that they are becoming common.

The recent conference of the National Civic Federation in Chicago deserves mention, as marking an era in the history of this subject. This association has put the whole country in its debt by bringing the subject of conciliation and arbitration to the front, and has shown the value of full, free and honest interchange of opinion. It is to be hoped that its successful beginning will lead the way to other similar conferences.

In arbitration cases, the provision relating to expert assistants continues to show itself to be a most wise and useful adjunct to the original law. In such cases, each side may nominate, and the Board may appoint, a person to act as expert assistant to the Board. The two persons so appointed must be skilful in and conversant with the business concerning which the dispute has arisen. It is their duty

to obtain and report to the Board information concerning wages paid and the methods and grades of work prevailing in manufacturing establishments within the Commonwealth of a character similar to that in which the dispute may have arisen; to attend the sessions of the Board when required; and to submit to the Board any facts, advice, arguments or suggestions, which they may think relevant. Such assistants are able to point out and elucidate the mysteries of every art, and to lay bare the issues in every controversy.

In all cases during the past nine years, since the law has provided for their appointment, the Board has been fortunate in the choice of expert assistants who have been able to make clear the technicalities involved in questions submitted to it.

In the last annual report reference was made to the fact that the Board had sent to the department of social economy of the Paris Exposition of 1900 an exhibit calculated to show its work and methods. We are pleased to say that the exhibit received the grand prize or highest award in its class. It is a matter of satisfaction that the work of the Board during its first thirteen years should receive, in competition with all nations, this marked approval of a jury of experts in the department of industrial relations.

On July 1 the commission of Mr. Walcott expired by limitation, and on September 10 he was succeeded by Warren A. Reed of Brockton.

During the past year the Board mediated in 54 difficulties in the following counties:—

Berkshire, . . . 1	Hampden, . . . 4	Plymouth, . . . 4
Bristol, . . . 5	Middlesex, . . . 12	Suffolk, . . . 17
Essex, . . . 6	Norfolk, . . . 2	Worcester, . . . 3

And 19 industries were involved, as follows:—

Matters in Dispute.	Industry.	Settled by —
2, higher wages, . . .	Shoe, 11, . . .	Agreement, . . . 7 Hiring new hands, 2 Arbitration, . . . 2
2, lower wages, . . .		
3, price lists, . . .		
1, terms of agreement, . . .		
1, fair amount of product, . . .		
1, care of clothes, . . .		
1, retention of foreman, . . .	Textile, 11, . . .	Hiring new hands, 4 Strikers' return, . . . 4 Compromise, . . . 3
3, higher wages, . . .		
3, rate for overtime, . . .		
2, fair amount of product, . . .		
1, terms of agreement, . . .		
1, unpaid loss of time, . . .		
1, membership in union, . . .	Machine, 6, . . .	Hiring new hands, 3 Strikers' return, . . . 3
2, higher wages, . . .		
3, nine-hour day, . . .		
1, membership in union, . . .	Steamfitting, 4, . . .	Discharge of the non-union men, . . . 2 (<i>Pending</i>), . . . 2
2, retaining non-union men, . . .		
1, terms of agreement, . . .		
1, revision of agreement, . . .	Leather, 4, . . .	Compromise, . . . 4
4, higher wages, . . .	Iron building, 2, . . .	Granting demand, . . . 1 Compromise, . . . 1
2, higher wages, . . .		
1, right to discharge, . . .	Engineer, 2, . . .	Waiver, . . . 1 Granting demand, . . . 1
1, wages and hours, . . .		
1, non-union plumbers, . . .	Carpenter, 2, . . .	Joining a union, . . . 1 (<i>Pending</i>), . . . 1
1, higher wages, . . .		
2, higher wages, . . .	Iron foundry, 2, . . .	Hiring new hands, 1 (<i>Pending</i>), . . . 1
1, concerning engineers, . . .	Firemen, . . .	Engineers' return, . . . 1
1, retention of foreman, . . .	Boiler making, . . .	Agreement, . . . 1
1, alleged unfairness, . . .	Salesmen, . . .	(<i>Pending</i>), . . . 1
1, higher wages, . . .	Cigar, . . .	Annulling strike, . . . 1
1, eight-hour day, . . .	Granite, . . .	Granting demand, . . . 1
1, reduced wages, . . .	Laborers, . . .	Strikers' return, . . . 1
1, higher wages, . . .	Painters, . . .	Granting demand, . . . 1
1, wages, revision of list, . . .	Printers, . . .	Granting both, . . . 1
1, recognition of union, . . .	Clothing, . . .	Hiring new hands, 1
1, higher wages, . . .	Upholstering, . . .	Granting demand, . . . 1

Agreement relative to adjustment through negotiation has, in many factories, prevented differences, or retarded

their growth into serious disputes, and lessened the number of difficulties that attract the attention of the public. Such difficulties, having been referred to the Board, and those in other quarters where amicable relations have been tacitly preserved, are classed as "friendly controversies." The speedy collapse of some strikes is as silent as their onset was startling; others are maintained in theory after they have ceased to obstruct business. Such results appear below as "vanished."

The cases of the past year fall into three groups at each of the three stages following:—

In respect of origin:—	Number.	Per Cent.
Strikes,	40	74.1—
Lockouts,	4	7.4—
Friendly controversies,	10	18.5—
	54	100.0
With regard to official action:—		
On joint petition,	6	11.1—
On notice from one party,	14	25.9—
Of the Board's own motion,	34	63.0—
	54	100.0
In view of results (neglecting fractions):—		
Settled,	29	54
Vanished,	20	37
Pending,	5	9
	54	100

The ratio of referred cases to those in which the Board offered its mediation is about as 3 to 5.

The vanished controversies had strike histories, and ended in 9 cases by the workmen's returning on the employers' terms, and in the other 11 by permanent loss of situation.

Four of the controversies still pending are amicably conducted; the other has a history of lockout and diminution of business.

There were 27 conciliations, or 50 per cent. of all cases, and 2 arbitrations, or 4 per cent., nearly, making a total of 29 settlements, or 54 per cent., nearly.

The value of the positive result shown by these tables will, we believe, be much enhanced on further consideration. It will be noted that half of the foregoing strikes ended in defeat, that is to say, 20; and that one of the employers resorting to a lockout was obliged to curtail his business. Viewed on the low plane of immediate self-interest, such expedients, having been resorted to without a fair prospect of success, can hardly be deemed other than rash. To get a fair estimate of "state interference," allowance ought to be made for that element of rashness which persists "to the bitter end," and is not amenable to the good offices of anybody. Eliminating, therefore, these 21 cases from the total number treated by the Board, leaves 33 controversies, of which 29 were settled mostly by conciliation, while 4 remain to be settled in a friendly way.

Twenty strikes and 3 lockouts were finally settled amicably, as were 6 friendly controversies. The result is gratifying; but the gratification would be greater, if, in the cases of strike or lockout, the better way had been resorted to in the beginning. Sixty per cent. of the friendly differences were settled satisfactorily to both sides. At the same rate, about 14 disputes aggravated by strike or lockout might have been settled without loss of business and profit, and without loss of wages and health. Like advantages would also accrue to the parties to the other 9 cases during the pendency of the matters in dispute.

It has been said, in extenuation of strikes and lockouts, that they serve at least to compel attention to grievances. A study of our cases in the past year does not favor the view that they conduce in any way to a remedy; for only

50 per cent. of the strikes and 25 per cent. of the lockouts, of all about 47 3-4 per cent., were in any measure successful, and then for the most part as resulting from mediation and negotiation; while 60 per cent. of the friendly controversies were settled amicably, leaving the other friendly controversies on the way to such result.

Reports of the principal controversies which the Board has taken cognizance of during the year are to be found in the following pages. The yearly earnings of the persons involved are estimated at \$2,948,588. The total yearly earnings in the factories, etc., are estimated at \$9,004,006. The cost of maintaining the Board for the year has been \$8,456.

REPORTS OF CASES.

firm might do in the absence of the Board. He was advised to neglect no opportunity for making a settlement, regardless of the application then on file. On the 16th an agreement was reached whereby the men gained a substantial increase over prices paid before the strike, and thereupon returned to work.

CIGAR MAKERS—BOSTON.

A strike of cigar makers was reported to the Board on January 24, and mediation was thereupon offered to the manufacturers' association and the cigar makers' local union in Boston.

The strike was for an increase of \$1 over the prices specified in an agreement made the previous June. Union shops were idle in consequence, and hundreds of men and women were thrown out of work. The strikers appointed a committee of conference; but the manufacturers declined to recognize it and appealed to the Cigar Makers' International Union. Officers of that body came to Boston, refused to sanction the strike, and ordered the cigar makers to return to work. On January 29 the shops were opened, and as many union workmen as were needed for the stock on hand were re-employed. Others were notified that there would be places for all in two or three days. Many, however, remained out on strike.

The union had no dispute with the employers, and the strikers, as such, had no organization that the manufacturers and the representatives of organized labor would recognize. So far as the manufacturers were concerned, the difficulty was at an end.

The contest thereafter was waged within the union, and ceased to attract public attention.

ROBINSON BREWING COMPANY—BOSTON.

Information was received in December, 1899, from the Boston Brewers' Association, concerning a controversy in the brewery of the Robinson Brewing Company at Roxbury.

It appeared that on December 13 the management of the brewery dismissed one of the engineers for cause, pending consideration of his case by the union to which he belonged. On the 16th Messrs. Grasshoff, McCarthy and Dolloff, vested with full power, called at the brewery, and in behalf of the International Union of Steam Engineers demanded his reinstatement without loss of pay for time out, or they would declare a strike of engineers. After consideration the employer resolved to take him back, under the following protest:—

Boston, December 15, 1899.

MESSRS. GRASSHOFF, MCCARTHY and DOLLOFF, *Committee International Union Steam Engineers, No. 16, of Boston, A. F. of L.*

GENTLEMEN:—In compliance with your demand of this date for the reinstatement of engineer, we do so under protest.

Protesting that we only do so upon threats made by you, as the committee representing the International Union Steam Engineers, that the other engineers in our employ will be immediately called out unless said demands are complied with, and we reserve to ourselves the privilege of taking such steps as we deem advisable for our future protection.

Your very respectfully,

ROBINSON BREWING COMPANY,

A. W. ROBINSON, *Treasurer.*

When the members of the committee had read the protest, they declined to receive it, and renewed their demand

for the unconditional reinstatement of the man in question. It was finally arranged for him to return and receive pay for time lost.

The treasurer, believing the case still open, appealed to the Boston Brewers' Association, December 19, to resist by united action such a demand. The association sent a written request to the Engineers' Union to appoint a committee to confer with the committee of Boston brewers on the subject of the alleged grievances. The union replied saying that it had settled its case with the Robinson Brewery. On January 27 the following letter was received from the secretary of the Breweries' Association : —

BOSTON BREWERS' ASSOCIATION,
BOSTON, MASS., January 27, 1900.

State Board of Arbitration and Conciliation, State House, Boston, Mass.

MY DEAR SIRs : — I desire to call your attention to a controversy between the Robinson Brewing Company, a member of this association, and the International Union of Steam Engineers, regarding the discharge for cause of a member of the union above mentioned. I enclose herewith a copy of the statement of the Robinson Brewing Company, and also of the correspondence between this office and the union. This is by no means the only cause of grievance which the brewers have against the engineers' union, in fact, there are several of a similar nature, showing utter unreasonableness upon the part of the union to calmly and judicially adjust differences.

It seems to me that this is a case which it would be advantageous for your Board to examine into, with a view to securing all parties at interest fair and just treatment ; and I think, further, that your Board should impress upon the engineers the folly in the long run of using such dictatorial measures in dealing with employers.

Trusting that you will give this matter your careful consideration, and hoping that you will be able to so present the matter to the engineers that there may be no repetition of these disagreeable incidents, I have the honor to remain,

Very respectfully yours,

H. V. HUSE, *Secretary.*

The controversy as presented seemed to involve questions which are not within the province of the State Board. Section 3 of the statute under which this Board acts excludes any controversy or difference "which might be the subject of a suit at law or bill in equity," and the secretary of the Brewers' Association was so advised.

After several interviews on the subject of a proper issue to present, an application was received alleging as a grievance that "the Robinson Brewing Company is forced, upon threat of a strike, to employ an undesirable man as engineer." A copy of the application was sent to the union; and its reply was made known to the employers in the following letter:—

STATE BOARD OF ARBITRATION AND CONCILIATION,
BOSTON, February 16, 1900.

H. V. HUSE, *Secretary, Boston Brewers' Association, representing the Robinson Brewing Company, Boston.*

DEAR SIR:—On February 9 a certified copy of your application was sent to the International Union Steam Engineers, No. 16, of Boston, with a request for information whether the employees would join in presenting the case for settlement, either by conference and agreement, or by arbitration. We have this day received a reply, dated February 15, and signed by F. W. Dolloff, saying "that this union regards the case of Robinson Brewery as closed, and that we have nothing to arbitrate in the matter."

I am directed to say that this Board will be pleased to receive any suggestion you may offer.

Respectfully yours,

BERNARD F. SUPPLE, *Clerk.*

On the next day the employers replied, saying that there was "nothing to suggest in the premises."

Nothing further was heard of the controversy.

**THE AMERICAN HIDE AND LEATHER COMPANY—
LOWELL.**

A difficulty which was in some respects a sequel to that of November 8, 1899, stated in our report for that year under the title "White Brothers & Co.", culminated on January 24 in the same factories at Lowell, when the shavers employed by the American Hide and Leather Company struck for higher wages. In two days the strike extended to all departments, and about 550 men were without employment.

On January 6 the following letter was sent by the management of the Lowell factories: —

Leather Workers' Protective Union, Lowell, Mass.

GENTLEMEN: — Referring to our several conversations regarding prices for different classes of work, we will repeat what we have said before, that we were willing to pay the same prices for the same class of work as any other factory making the same line of goods controlled by the American Hide and Leather Company.

In making up this schedule of wages, notice must be taken of the ages of men employed on the different kinds of work, also the conditions under which the men work.

We are perfectly willing to meet any of the heads of your organization, we mean by that, the heads of the Federation of Labor, or any one who has authority to investigate and act in such matters. It is the aim of the American Hide and Leather Company to pay such prices as will demand the best work. If you will communicate with us and make an appointment, we will try and keep same.

Yours very truly,

AMERICAN HIDE AND LEATHER COMPANY.

Subsequently, as stated, the shavers' work slackened, and on January 24 from 30 to 40 were suspended from the pay roll, whereupon the strike ensued. The shavers demanded 50 cents instead of 35 cents per dozen as a condition of returning, and further demands were made by the other leather workers, when the strike became general. The American Federation of Labor sanctioned the strike, and awarded a weekly stipend to those who had gone out. In view of several thousand dollars' worth of perishable stock on hand, the superintendent made concessions which the general organizer of the American Federation of Labor deemed sufficient warrant for advising the men to return to work, pending an adjustment of the whole difficulty and an agreement regulating the settlement of such grievances as might arise in the future, either by conference or arbitration. The advice was not promptly accepted. Pickets were posted on the streets leading to the factory. The superintendent then arranged for the removal of hides, and, as a precaution, invoked the protection of the police. There was, however, no breach of the peace. The workmen expressed a desire to handle the stock with a view to saving it, and requested that the concessions be put in writing; but the superintendent declined the offer and withdrew the concessions. On the second day of the strike the Board offered its services as mediator in case pending negotiations should result in a disagreement.

On January 30, on the invitation of Messrs. John F. O'Sullivan and E. L. White, representing the parties, the Board endeavored to compose the difficulty, and at the end of three days arranged for a conference of parties, to take place on February 8, and for the reinstatement of all the strikers, without prejudice or discrimination, who should return to work on February 5.

On returning to their former positions, about 60 employees were refused work by their foremen, who declared that they were laid off, but could not say for how long. Five of these were shavers. They deemed the laying-off a discharge, practically, at any rate a punishment, and quite contrary to the assurances transmitted by the Board. None of the shavers involved would accept re-employment in the circumstances. They thereupon notified the Board in writing and by telephone. The Board returned to the scene of the difficulty, and on the 7th all the shavers were reinstated according to the first intention, as the result of the Board's mediation; but other leather workers who had been laid off were still to remain out. The appointed conference was had on the eighth day of February, the Board being near at hand, awaiting the outcome. After fixing prices in the shaving department and agreeing that all leather workers who were still out should return to their former places on the 9th, an adjournment was made to February 13, for the consideration of the leather workers' demands, with a view to referring to arbitration whatever remained unsettled.

On February 23 an agreement was reached which was satisfactory to all concerned, and the difficulty ended. No provision for settling future differences was made, however.

W. L. DOUGLAS SHOE COMPANY—BROCKTON.

The agreement, entered into October 26, 1898, to remain in force until November 1, 1901, between the W. L. Douglas Shoe Company, of Brockton, and the Boot and Shoe Workers' Union, provided for the reference of price lists, all grievances of whatever nature, and all matters of dispute regarding wages or any other subject, to the State Board of Arbitration. Under the agreement, a dispute having arisen in the rough-rounding department of the factory at Brockton, an application, signed by representatives of both parties on February 5, was received. The following decision was rendered March 5:—

In the matter of the joint application of the W. L. Douglas Shoe Company, of Brockton, and its employees.

PETITION FILED FEBRUARY 7, 1900.

HEARING FEBRUARY 12, 1900.

In this case the Board is asked to decide upon the question of wages for the work of rough-rounding soles. After hearing the parties interested, inquiries have been further prosecuted in a considerable number of factories in the immediate neighborhood, with the aid of expert assistants selected by the parties respectively. In view of the terms of the application and of all the facts and arguments that have been adduced in the case, the Board recommends that the work of rough-rounding in this factory be paid for at the rate of 8 cents per dozen, including single and double soles, samples and single pairs.

By agreement of the parties, this decision is to take effect from February 5, 1900.

By the Board,

BERNARD F. SUPPLE, *Clerk.*

Result. — All parties acquiesced in the decision for a period nearly twice the length of the term set by law. During the preparation of this report information has been received that a dispute concerning the same matter was mutually adjusted by the parties in interest, as provided in paragraph 11 of the agreement of October 26, 1899, as it appears in our thirteenth report. As now agreed, the price is 9 cents. Paragraph 11 runs as follows: —

Eleventh. — Both parties agree to adjust in an honest and equitable manner all grievances of whatever nature and all matters of dispute in reference to wages or any other subject, including the true construction of this agreement, that may arise between them; and in case of failure to mutually adjust any dispute or grievance, the party of the first part and the members of the department or departments where such dispute or grievance shall arise, shall join, in the manner provided by statute, in an application to the Massachusetts State Board of Arbitration for a decision on the matter or matters in dispute, and the decision of said Board shall be binding upon the party of the first part, the party of the second part, the local unions and employees.

MACHINISTS — BROCKTON.

In the middle of January certain machinists employed in Brockton shops addressed a petition to their employers, and received the following reply:—

BROCKTON, Mass., January 27, 1900.

To Our Employees.

We, the undersigned employers of machinists, after carefully considering the petition to grant our employees a nine-hour day, with ten hours' pay, beginning the first Monday in February, 1900, have unanimously decided that we cannot grant this request.

The granting of a nine-hour day with ten hours' pay would mean eleven and one-ninth per cent. advance in wages and ten per cent. reduction in the volume of our business, with the same running expenses. With all materials and tools at largely advanced cost, and competition sharp in all lines, our profits do not warrant the entertainment of such a proposition. This would give our outside competitors, who are still working on the ten-hour schedule and are manufacturing the same class of work, a great advantage, and would seriously cripple the machine business in Brockton, which you are well aware is none too extensive. The nine-hour shops in Lynn and Boston do not pay the rate of wages we pay for the same grade of mechanics.

The trades mentioned in your petition, such as carpenters, masons, plasterers, stone layers, brick layers, lathers, painters, etc., who are working eight and nine hours per day without reduction in pay, are not parallel cases, as their work is purely local. These trades, also, have very unsteady employment, as their work depends on the weather and various other conditions, and their yearly earnings average far below those of a machinist. Your wages will compare favorably with those paid in any city in New England, and until legislation shall regulate the hours of labor,

placing each manufacturer on an equal footing, the nine-hour day cannot be granted locally without disaster to your interests as well as ours.

T. A. NORRIS MACHINE COMPANY.
WM. A. SWEETSER.
GEO. V. SCOTT.
KIMBALL BROS. & SPRAGUE.
PICKARD BROS.
BROCKTON SUPPLY COMPANY.
GEORGE KNIGHT & Co.
CHAS. P. PERKINS.
E. S. MORTON.
BROCKTON DIE COMPANY.

On February 5, 37 employed by 8 of the above-named struck to enforce the request.

The strikers, who were known as Brockton Lodge, No. 176, of the International Association of Machinists, after being out two weeks, invoked the mediation of this Board, in an application signed by James E. Buchanan, the business agent and organizer for Boston and vicinity. The Board communicated the fact of the application to the employers named therein, and received replies from which the following is selected : —

BROCKTON, MASS., February 24, 1900.

To the Honorable State Board of Arbitration and Conciliation, State House, Boston, Mass.

GENTLEMEN : — Your favor of the 21st inst. at hand, and in reply are pleased to assure you that we have no occasion to call on your honorable Board to arbitrate in our behalf. We have never had, and are not now having, any difficulties with our employees. We have always given good wages, steady work and prompt payment, and we intend to continue to do so. We will endeavor to briefly state the facts in regard to this so-called "strike."

About January 20 we received a petition addressed to the employers of machinists, requesting that we grant our employees a nine-hour day with ten hours' pay. This petition was signed by ten of our employees and also by a few other employees of different

shops in this city. We carefully considered the matter, and decided that we were paying them all they were worth to us, and declined to grant their request, giving our reasons for so doing.

On January 30 we received an anonymous letter inviting us to a conference, which we did not attend. On February 2 we received a notice from a labor organization, stating that, if we were not willing to grant the petition of our employees, on February 5 they would "quit work until such time as we would be pleased to grant it." We made no reply to this, and the dissatisfied men left our employ. We shall never be "pleased to grant their petition," and they will have to find work elsewhere.

We had never been approached personally by our men in regard to this demand, and have had no discussion with them. They left good jobs of their own free will, and we have made no objection whatever. As we have hired new men who are satisfactory to us, and have now no use for these dissatisfied people, it seems entirely unnecessary for us to call on the State Board of Arbitration, as we have no grievance whatever.

Trusting, gentlemen, that this will explain our side of the situation fully, we remain,

Very truly yours,

T. A. NORRIS MACHINE COMPANY.

When the employers' attitude was made known to the workmen's agent, he expressed satisfaction with the action of the Board, but made no suggestion. The matter then dropped, and has never been brought up again.

STANDISH WORSTED COMPANY — PLYMOUTH.

In the first fortnight of February the weavers of the Standish Worsted Company at Plymouth asked their employer for an adjustment of picks, and, for the reason that many woollen mills at the first of the year had granted a similar increase, demanded a 10 per cent. increase of wages. On the 12th of that month they went out on a strike to enforce their demands. Several conferences were had with a view to an agreement. The employer conceded the demand for an adjustment of picks, but the company could not see its way to granting the increase, for the reason that it had for a long time past been paying higher wages than any of its competitors, and was paying the highest at the time of the strike; that the mills in question were not competitors in work of the same grade, and, moreover, had been paying extremely low wages before January 1. What was regarded as a slight difficulty, at first, began to receive attention, and apprehension was felt as the contest was protracted. On February 19 the Board's services were invoked in a formal application signed by the president of the Standish Worsted Company. As soon as this action was taken, the Board received word that the controversy was settled. At a conference between the strikers' committee and the mill management an agreement was reached whereby the strikers were to receive an increase of 8 per cent., and the strike was declared at an end. By this time some of the

weavers had left town in search of other jobs, but as many as had remained returned to their former posts on February 20, followed by others on their receipt of the news, and in a short while the mill was running in all departments the same as before.

**BRIDGE AND STRUCTURAL IRON WORKERS—
BOSTON.**

On March 1 about 60 iron workers employed by bridge constructors in Boston, chiefly those engaged in the erection of the Boston Elevated Railway, went on strike in consequence of a refusal to pay them 33 1-3 cents an hour for nine hours daily, and twice that rate for all time in excess. The men claimed that they had always acted in concert with another branch of the iron industry, as members of the same union. Only those trained to work in iron in strained attitudes high in air could appreciate the skill required to overcome the difficulty. In settlements effected by the union to which they had belonged, the bridge builders had never secured the consideration they felt they were entitled to, and for this reason they separated from the older organization and organized a union of their own branch. This gave the appearance of rivalry, which they did not feel and sought to discourage, but which had confused the counsels of their recent employers, who were at first loth to treat with more than one organization of workmen. The strikers said they would accept the mediation of the Board if pending negotiations should fail, but the prospects were favorable to a prompt settlement. The Board gave such advice as was calculated to encourage the pursuit of pacific methods. As a result, settlements soon followed, and all hands returned to work.

HATCH & GRINNELL—EASTON.

A demand for higher prices for lasting a higher grade of goods requiring greater labor having been refused, the employees of the lasting department of Hatch & Grinnell, shoe manufacturers at North Easton, went out on a strike on March 10. They were about 25 in number.

The mediation of the Board was offered to both parties on the 14th, and on the 16th the recent employees made formal application, praying the Board to "endeavor by mediation to effect an amicable settlement." Interviews were had with both parties. The firm was not willing to confer with the men on the subject of increased prices, or to re-employ more than five or six of them, if any, and expressed confidence in its ability to secure all the workmen that the factory needed at the prices then in vogue.

Day by day new hands were hired; but some of them, on finding a strike in progress, and pickets posted to notify strangers of the fact, quit work.

The firm thereupon sought and obtained a temporary injunction restraining the men from certain acts. Pickets were immediately withdrawn. A sufficient number of workmen was secured, and the difficulty passed out of notice.

GRANITE CUTTERS—QUINCY.

It was announced by the granite cutters in 1897 that they intended to demand in 1900 a shorter work day and higher rates of wages, and a formal demand was made by their national union in 1898. After about a year the employers' association made a reply which was not satisfactory to the workmen; and the American Federation of Labor, of which the Granite Cutters' National Union is a member, voted to support the workmen in case of strike. Labor men expressed the opinion that under the rules of the Federation the employers must either acquiesce in the demand, or suffer a strike; for there could be no arbitration in the circumstances, since the result of such proceedings could only be conjectured. Such opinion, however, did not exclude the services of a mediator. Long before the appointed day, the growing apprehension of a long strike gave rise to much discussion. It was contended by the manufacturers that the eight-hour day at \$3 would curtail output, increase cost and lessen demand, especially in quarters where building is undertaken as a matter of investment. It was predicted that fewer buildings would be erected and other material preferred to granite, and that piece prices would give way to pay by the day, with no employment for the slow workman, however skilful.

The decision of this Board, May 7, 1887, in the matter of the joint application of the Hallowell Granite Company

and its employees, had been adopted in many places outside of this state, pretty generally throughout the east and in several other quarters, though variously modified, to conform with local conditions. In the course of time the growing inequality of wage schedules and of working time came to be considered a grievance by the cutters; and the object of the movement of 1900 was to remove the inequality.

On October 25, 1899, the secretary of the Granite Cutters' National Union renewed the demand in a circular addressed to the manufacturers. The workmen sought to establish the price of an hour's work at 37 1-2 cents, that the work day should consist of eight hours, that a day's pay should be \$3, and that piece work should be performed under a uniform scale of prices, at which the earnings in eight hours should amount to at least \$3. This became in the spring of 1900 the subject of a controversy in the granite industry of New England and six other states.

In some parts of New England the relations of the manufacturers and their granite cutters were regulated by agreements running to the first day of May. In a few granite yards in or near Boston such agreements were to run to April 1; but in a majority of instances in all quarters the term would expire on March 1. Accordingly, March 1, 1900, was the day appointed for the strike in case the demand was rejected. Under the clause requiring three months' notice, the Quincy branch of the Granite Cutters' National Union notified the manufacturers of that city in November, 1899, of the change desired. On February 16, the State Board offered its services as mediator to the parties to the Quincy controversy. The workmen expressed their readiness to meet the manufacturers in any conference

that the Board might arrange; but the employers declined the offer. But in other granite centres, on the approach of the appointed day, the parties in interest were disposed to confer with each other. On the last day of grace the Barre branch of the union and the manufacturers' local association reached an agreement establishing the eight-hour day at 35 cents an hour and upwards, instead of the \$3 minimum demanded; and this was an actual increase of 16 2-3 per cent. of former prices in that place. This agreement was accepted throughout the state of Vermont, and did much to influence compromises in other localities. After some delay, pending the application of the referendum rule which exists in the Granite Cutters' National Union, the various branches approved the Barre agreement, and though by that time the strike was on in many places, a speedy settlement was generally expected. Other evidences of the workmen's good faith that helped to allay apprehension were visible in Boston and other places where the terms of agreements had yet a month or two to run. The workmen of those places, preferring to keep their agreements, continued at work after the strike had begun in other places, and their doing so was approved by their fellow craftsmen everywhere.

On March 1, the day following the Barre settlement, the granite cutters of Quincy, about 1,200 in number, went out on strike to enforce the demand; and that city, one of whose manufacturers was president of the Granite Manufacturers' Association of New England, became the centre of interest. Some days elapsed, when an attempt was made to negotiate a settlement. The parties met by committee. The manufacturers offered 31, but the cutters insisted upon 35 cents for an hour's labor, a price which

had by that time throughout New England elsewhere become the recognized rate. The meeting dissolved without agreement. On seeing the negotiations flag, the Board renewed its offer of mediation, but the employers declined the offer. In other places the strike of March 1 was followed by settlements at short intervals. Some agreements in the vicinity of Boston were renewed on April 1, specifying the rate of 35 cents an hour; but there were a few local strikes on that day. The workmen involved were confident of victory, however; and one by one the employers yielded the eight-hour day at 35 cents. The controversy at Quincy was destined to run its course for another month.

At length, on May 5, an agreement was reached in Quincy whereby the eight-hour day was established in that city, together with the rate of 35 cents an hour for competent workmen. A price list was agreed upon. It was agreed that any workman unable to earn an hourly average of 35 cents at piece work was to be paid in every instance no less than 33 cents an hour. It was stipulated that the agreement might be changed on March 1 of 1903, 1905, or any year thereafter, provided three months' notice be given by the party desiring the change; but in default of such notice the agreement was to continue indefinitely. In case a dispute should arise from such notice in 1902, the settlement thereof should be considered by a joint conference committee, consisting of three chosen from each side, which should adjust the difficulty, if possible, and refer all matters that might remain unsettled by January 20, 1903, to the decision of a local board of arbitration. In such case the decision was to be rendered not later than February 25, 1903. It was provided that the board was to be made up of disinterested persons, and chosen in the usual

way by the respective sides as represented in the conference committee. The Board is informed, at the time of writing this report, that the controversy of a year ago has been settled to the satisfaction of the workmen involved throughout the vast territory affected by the demand, with the exception of only six granite yards.

AMERICAN WOOLLEN COMPANY—LOWELL.

One hundred and twenty-five weavers in the Faulkner Mills at Lowell, having been refused a 25 per cent. increase in price, went out on strike on March 26. Both parties were interviewed by the Board on the question of a settlement. A letter was received on April 3 from the weavers, inviting further mediation, and the Board secured the appointment of April 7 for a conference of parties. The conference resulted in a disagreement. Further efforts were made by the Board to bring about a solution of the difficulty. The company offered a premium on all monthly earnings of \$32 or more, as a substitute for the desired increase, but the weavers declined the offer. Some of the weavers thereupon left the city with their families, others found employment in other mills and some passed into other industries. At length, on April 13, 65 of them, being a majority, returned to the mill on the employers' terms, and the strike ended.

BUFFERS' STRIKE — WOBURN AND WINCHESTER.

In March, the buffers of Woburn, acting through their union, presented to their employers, the leather manufacturers, a demand for an increase of \$3 a week in wages. Several conferences were had, without agreement. Settlements were effected in some of the smaller shops at the current rate of \$15 a week, pending an adjustment in the large factories, and with a promise of \$18 a week so soon as Beggs & Cobb at Winchester and the American Hide and Leather Company at Woburn should consent to pay the increase. On April 2 the buffers quit work to enforce the demand. Some factories put in machines to do their work, and offered to re-employ their former workmen at \$10 a week. On the 5th and 6th of April the Board acted as intermediary between the parties, with a view to bringing about an agreement. A conference was arranged for the 7th between the manager of the factories of the American Hide and Leather Company at Woburn and the workmen's committee. At the appointed time the committee appeared, but the manager notified the Board that he was unable to appear, by reason of illness. The strike extended to New York and continued until the first week in June, when signs of dissolution began to appear. On June 9 committees of the Buffers' Protective Union had interviews with the representatives of the American Hide and Leather Company at Woburn and Beggs & Cobb at Winchester.

The result was an understanding that the machines were to be retired from the factories of the American Hide and Leather Company, and the men were to receive the former wages. Accordingly, on June 11 the company's hands in Woburn and New York returned to work. In Beggs & Cobb's shop at Winchester the settlement was delayed for a few days, when it was understood that the firm should retain its machines, 4 union buffers and about 20 apprentices who had become proficient.

Nothing further was heard of the controversy.

PAINTERS AND DECORATORS — BOSTON.

On April 14 a visit was received from an agent of the painters' union, who complained that an effort to adjust a dispute as to price had not been responded to by the master painters involved. Rather than engage in a strike, though confident of victory, the workmen in question had resolved to invoke the State Board of Arbitration and Conciliation. The agent thereupon submitted an application from the executive committee of Union No. 11, Brotherhood of Painters and Decorators of America, representing workmen of Boston and vicinity, engaged in the business of painting houses and decorating interiors. The grievance was stated as follows: —

The wages for house painting should be increased from \$2.50 to \$2.75 for a day of eight hours. A letter requesting such an increase was sent on March 28 to the Master Painters' and Decorators' Association of Boston and vicinity, the receipt whereof was acknowledged on April 1, 1900, but no reply has as yet been received.

It was not deemed necessary to state the still higher wages that ought to be paid for decorating.

The Board immediately notified the employers' association of the alleged grievance, and requested to be informed whether it would join in referring the case to the arbitration of this Board, or, if conciliation were preferred, whether its committee would confer with the journeymen's

representatives in the presence of the State Board with a view to settling the dispute by agreement. On the 20th word was received that the employers had "nothing to arbitrate."

The union had already been informed of the master painters' attitude, and concluded not to waste the opportunity for making perfect arrangements to strike which the public holiday of April 19 afforded. A circular was prepared and sent out by the union, to which it is stated about one-third of the master painters responded by conceding the demand.

On Monday, the 28d, the strike was inaugurated, which it was resolved should be fought to a finish all the more eagerly in view of the fact that every peaceful measure had been exhausted. The strike had hardly commenced before other employers in one quarter and another began to make concessions resulting in agreements. News of the strike brought in several non-union painters from the outlying districts where work was slack, and many of them were given employment. Both sides claimed a victory. At last accounts, on May 4, the strike was represented as ended.

BREWERY ENGINEERS — BOSTON.

In the last week of April Steam Engineers' Union No. 16 notified the Master Brewers of Boston that on and after May 1 the following schedule of wages and hours was to go into effect : —

1. That eight consecutive hours' work shall constitute a day's work. All time worked over eight hours to be paid for at the rate of 55 cents an hour.

2. That the minimum rate of wages shall be \$3 a day of eight consecutive hours, and the chief engineers shall be paid \$25 a week.

3. That engineers receiving more than \$3 a day at the present time shall not receive any less.

4. That all engineers employed in or around a brewery must be members in good standing of Local Union 16 of the International Union of Steam Engineers.

The Brewers' Board of Trade took this schedule under consideration.

The representatives of the engineers had several conferences on April 30 and May 1, with the Master Brewers, with a view to preventing a strike, if possible, and on May 1 published the following : —

After a long discussion, in which we endeavored to find an honorable way out of the difficulty, and feeling that a few days' delay might assist us, and to give the brewers' committee an opportunity to consult with the members of their association, we made the following proposition : —

“ Will you agree, on the part of your association, to grant the

demands of the engineers, temporarily, pending further conference, you to confer with your associates and we with ours, you to take your own time as to when a further conference may be had between this committee and yours?"

This proposition was also declined by the brewers' committee. We, failing to in any manner agree, unless we accepted a proposition declined last year by you, withdrew from the conference.

While our meeting with the committee was as friendly as could be desired on both sides, we regretted to learn that our fair proposition could not be accepted, and thereby avert the pending trouble. There appears to be nothing for the engineers to do but strike. We believe a strike at this time is destined to effect a severe blow, if not to completely demoralize the brewing industry.

Having exhausted every honorable means in our power to settle this matter, we ask the co-operation of all union men in putting a check to any body of employers who arrogantly refuse to realize that trades unions are a factor in production, and who will not accord fair and honorable conditions to their workmen.

We have been assured that some of the brewers will accede to the demands of the engineers, notwithstanding the position taken by the brewers' committee. In view of this fact, we request that all engineers remain at work until the strike order of Engineers' Union 16 be transmitted to them by this committee or its representatives.

On May 2 the following notice was received: —

To the Honorable the State Board of Arbitration.

The undersigned respectfully represent that, on the thirtieth day of April, A.D. 1900, a strike was threatened in this Commonwealth, involving all the breweries located in the city of Boston and those lately employed by said breweries; that, at the time of the threat of said strike, said breweries were employing not less than 25 persons in the same general line of business, to wit; the manufacturing of malt liquors at said various places of business; that the nature of the controversy, briefly stated, is as follows: a demand on behalf of the engineers, made through the medium of the International Union of Steam Engineers No. 16 and the Central Labor Union, for a working day of eight hours at \$3 per day.

Wherefore, your Honorable Board is respectfully requested to

put itself in communication, as soon as may be, with said employer and employees, and endeavor, by mediation, to effect an amicable settlement between them, and, if the Board deems it advisable, investigate the cause or causes of said controversy, and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same.

Dated this first day of May, A.D. 1900.

ALLEY BREWING Co.,	PURITAN BREWING Co.,
AMERICAN BREWING Co.,	ROBINSON BREWING Co.,
BOSTON BEER Co.,	ROESSLE BREWERY,
BURKHARDT BREWING Co.,	RUETER & Co.,
CONTINENTAL BREWING Co.,	WM. SMITH & SONS BREWING
FRANKLIN BREWING Co.,	Co.,
HABICH & Co.,	SOUTHER BREWING Co.,
HAFFENREFFER & Co.,	STAR BREWING Co.,
HANLEY & CASEY BREWERY Co.,	SUFFOLK BREWING Co.,
A. J. HOUGHTON Co.,	UNION BREWING Co.,
HUB BREWING Co.,	FRANK JONES BREWING Co.,
JAMES W. KENNEY,	MCCORMICK BREWERY Co.,
A. G. VAN NOSTRAND,	WALDBERG BREWERY.
H. & J. PFAFF BREWING Co.,	

By EDWARD RUHL, *Agent*.

This was promptly laid before Messrs. O'Sullivan, Kneeland and McCarthy, a committee having direction of the employees' interests. It was learned that negotiations of the preceding day had been without result; that shortly after, at half-past one o'clock in the morning, the threatened strike became actual, and about 75 men left their employment in the breweries. The Board requested the committee to say whether or not they would join in referring the case to the Board, or participate in a conference with the employers with a view to a settlement. The committee saw no reason for renewing the conference of the previous evening, but, in respect of the Board's offer, promised to reply in a few hours. Later in the day a message was received from the committee, saying it was

resolved to "follow the long-standing custom," regulating the settlement of the difficulties between master brewers and their employees, which contemplated a solution by a joint conference committee. While in the opinion of the strikers' committee it would be quite proper to go on with the strike, the impression might possibly gain ground, in view of the employers' application, that the committee was opposed to a peaceful solution of the difficulty. The only response, therefore, that they felt at liberty to make was to express a willingness to resume the negotiations that had been so recently abandoned as fruitless. The committee further said that a letter to that effect had just been sent to the secretary of the Boston Brewers' Association. Mr. Huse, the secretary of the employers' organization, was then informed of the situation. On the morning of May 3 almost all of the firemen employed in the Boston breweries quit work and joined the strikers. On this day, however, a conference was had between the strikers' committee and the Brewers' Association, which resulted in a settlement, upon which all hands returned to work.

**HOLZER-CABOT ELECTRIC COMPANY — BROOKLINE,
MASS.**

A strike of 25 buffers, employed at \$2.25 a day in a factory of the Holzer-Cabot Electric Company, took place on May 18 to support a demand for \$2.50. The superintendent deemed the strike an attempt to take an unfair advantage of Mr. Holzer's absence in foreign parts, and offered the employees a chance to return to work then or never. The men returned, but quit work in a few days. On learning that the strike had been renewed, the Board had separate interviews with both parties in negotiating a settlement; but the superintendent was firm in the position he had taken. He feared, he said, that a concession, however slight, would cause the difficulty to spread. Besides, he could not take any back without making room for them by discharging some of his new hands, which he would not do.

On May 25 the selectmen of Brookline gave notice of the difficulty as follows: —

TOWN OF BROOKLINE, OFFICE OF THE SELECTMEN,
TOWN HALL, BROOKLINE, MASS., May 25, 1900.

Massachusetts Board of Arbitration, State House, Boston, Mass.

GENTLEMEN: — At a special meeting of the selectmen, held this morning, it was —

Voted, That the clerk be directed to notify the State Board of Arbitration of the strike of the employees of the Holzer-Cabot Electric Company, in accordance with the terms of chapter 269 of the Acts of 1887.

Yours very truly,
GEORGE F. JOYCE, *Clerk*.

A reply was sent, saying that the Board was at work on the case. On June 8 an application of buffers, polishers and platers recently employed by the company was filed. The controversy, as they stated it, was: —

We asked for an increase in our wages of 25 cents a day, from \$2.25 to \$2.50. The foreman of the buffing and plating rooms said that we were worth the money, but the manager refused to grant it, the foreman telling the manager he could get all the men he wanted for \$2.25 a day.

After further efforts, the following letter was sent: —

STATE BOARD OF ARBITRATION AND CONCILIATION,
BOSTON, June 15, 1900.

MR. JAMES MURRAY.

DEAR SIR:— Since receiving the application dated June 5, and signed by you and others, concerning the Holzer-Cabot Company, the Board upon inquiry has been recently informed that the position of the manager with reference to the strikers has not changed, that some of the former workmen have been re-employed, that others have made application to be taken back, and that all places are filled.

If, under such circumstances, you can suggest any course of action on the part of the Board which will benefit you and your associates, we shall be pleased to hear from you and to act accordingly so far as may be practicable and expedient.

Respectfully,

CHARLES H. WALCOTT, *Chairman*.

Nothing further was heard of the controversy.

It may not be superfluous for us to add our appreciation of the efforts of the town officials of Brookline. The statute by them cited, so far as it relates to the duties of mayors and selectmen in the matter of strikes and lockouts, has the following provision: —

That whenever it is made to appear to the mayor of a city or to the board of selectmen of a town that a strike or lockout . . . is

seriously threatened or actually occurs, the mayor of such city or the board of selectmen of such town shall at once notify the state board of the facts.

If all who have the direction of public affairs or contribute to the shaping of public opinion would aid in the preservation or restoration of industrial relations, there would be fewer difficulties, and a greater percentage of them would be solved in a rational way.

**UNITED SHOE MACHINERY COMPANY—
WINCHESTER.**

During the first week of May machinists employed by the United Shoe Machinery Company of Winchester organized a lodge of the International Association of Machinists. Soon after, the members, beginning with the leaders, were day by day discharged in groups of increasing size, for the reason, as stated by the company, that they had too many in their employ; or that, according to the men, it desired to break up the union. On the 22d 200 were discharged, and on the next day the factory shut down, and 150 more were thrown out of employment. In all departments the number of employees affected was about 750. Meanwhile, there had been several interviews between the workmen's agent and the officers of the company at Boston. On May 23 the men accepted the mediation of the Board, and the company took the suggestion under consideration. Several attempts were thereafter made to induce the employer to discuss a settlement, and interviews took place between the machinists' agent and the company's officers. No adjustment seemed possible in the circumstances, and the difficulty dragged along until the end of the third month without anything to attract attention.

On July 30 a committee, claiming to represent the machinists' lodge, obtained an interview with the representative of the company who was then in charge of the Winchester factory, at his office in Boston, and proposed to

dissolve the lodge, in consideration of the company's receiving all the recent employees into their old places without discrimination; and the Board was thereupon notified that the company was ready to settle the difficulty by such an agreement; but the organizer of the International Association of Machinists, who had till that time represented the men in question as agent, claimed that the so-called committee did not represent the lodge, and that their action of July 30 had been repudiated by the workmen. At his request, the Board endeavored to meet the company's officers on August 3, but failed to get into communication. One of the general officers of the workmen's international body had an interview with the officers of the company, but no agreement was reached. The shop was opened for a short time each week, and those who worked were given extra pay. The local organizer seized the charter and disbanded the lodge. By hiring and discharging, the company finally succeeded in replacing nearly all the men by new help, who were for the most part women and girls.

N. L. MILLARD & CO.—NORTH ADAMS.

On the 21st of May the shoe cutters employed in the factory of N. L. Millard & Co. at North Adams refused to work under a new price list, which they claimed required more work without additional pay, whereupon they were suspended from the pay roll. Subsequently, they were organized as a branch of the Boot and Shoe Workers' Union. Negotiations between the general president of that body and the employer resulted in an agreement on all but a few items, which were left for settlement by negotiation with a committee of the local unions, or, in case of failure, by reference to the State Board of Arbitration and Conciliation.

Under this agreement the cutters were permitted to return to work, pending a settlement; but when the local committee stated to the employer that it was not clothed with full power to make a final adjustment, he refused to treat with them, upon which, on May 28, the cutters quit work and went out of the factory on strike. The employer requested the Board to state whether there could be any arbitration proceedings under such conditions, and was informed that there could be no hearing or decision while the employees were out on strike, but that conciliatory efforts might be made, with a view to inducing an agreement, either to terminate the controversy by agreement, or to refer the difficulty to some arbitrator.

On June 11 and 12 the Board had separate interviews with the parties at North Adams, and advised the appointment of a committee of workmen, fully empowered, as required by the firm, to settle the dispute. The employer handed the Board a written message, to be transmitted to the strikers, as follows: —

Will meet a committee of cutters from our old cutting room employees. Will reinstate what cutters are needed. Will pay prices now in force. If this is unsatisfactory, will then refer the adjusting of wages to the State Board of Arbitration. The men now at work for us to remain at work as long as they wish to.

The strikers submitted the following reply: —

Will agree to a committee of cutters from Millard's cutting room appointed by the executive board of the union to meet him and adjust prices, and all prices not agreed upon to be left to the State Board of Arbitration, provided that all cutters now at work are discharged at once, and all employees of said room are reinstated at once.

Neither party would accept the terms of the other.

At the end of June one of the general officers of the Boot and Shoe Workers' Union reported to the Board that the controversy was without prospect of immediate settlement. The difficulty was protracted for several weeks, when a settlement was agreed upon by the parties.

GEORGE LAWLEY & SON — BOSTON.

On June 4 a demand for the nine-hour work day instead of ten and one-half hours was made by the machinists in the employ of George Lawley & Son, boat builders in South Boston. The officers of the corporation requested time for consideration, which was granted; and on the evening of June 5 made answer that the shorter work day would be granted when two torpedo boats which they were building for the United States would be finished. The men calculated that it would take about four months to finish the work, that the major portion of those employed would be dismissed for lack of work, and that the reduction of time would benefit only the few that might remain. When the night shift reported for duty, a meeting was held and a strike declared forthwith. The men then laid the matter before Lodge 264 of the International Machinists' Association, and a committee was sent to the corporation to confer on the question of a settlement.

On the 6th the Board offered its services, but owing to some misunderstanding between the men involved and their organization, it was impossible to obtain a statement to which all would subscribe. The parties in interest held several conferences, and the corporation was about to ask the United States government, under the strike clause of the contract, for an extension of time in which to complete the work. On June 13, however, the following letter was

sent, containing an offer which the workmen accepted in settlement of the dispute: —

To Machinists in the Employ of George Lawley & Son Corporation.

GENTLEMEN:— We hereby agree to change the working hours in the machine shop to nine per day as formerly, as soon as the machinery for the torpedo boats “Blakely” and “DeLong” is completed as far as work in the machine shop is concerned, without discrimination against any workman on account of his participation in the strike.

GEORGE LAWLEY & SON CORPORATION,
By GEORGE F. LAWLEY, *President*.

The machinists thereupon returned to work, and there was no further trouble.

BOSTON MANUFACTURING COMPANY — WALTHAM.

On July 6 100 men and women employed in the manufacture of fancy cloth as box-loom weavers in the employ of the Boston Manufacturing Company at Waltham struck to enforce a demand for higher prices for 60-pick and 80-pick leno; but after a while the claim for 60-pick leno was abandoned, and 5 cents per cut abated from their price for 80-pick. On the 7th the Board acted as intermediary for the purpose of arranging a compromise under which harmonious relations might be restored. The weavers said that their work required great skill and special training, that they had no fear of being replaced by new hands; and that other mills were paying \$1.50 per cut for goods of similar quality, while the price which they had been receiving was \$1.10. The employer said that his terms were perfectly fair, that the mill had no competitors, that the difficulty was such as would right itself in a few days, and that he was willing to take back all hands to their old places without discrimination. When this was reported to the strikers, many of them were in favor of declaring the strike off. At the beginning of the next week a few of the strikers returned to work, followed by others, until all who applied were received in their former positions without discrimination, at \$1.20 a cut for 80-pick, which was an increase of 10 cents.

BLAKE & KNOWLES — CAMBRIDGE.

On June 1 the chippers employed by Blake & Knowles, manufacturers of steam pumping machines, at East Cambridge, struck because of the employers' refusal to increase their wages 10 per cent. On June 7 a committee of 3, claiming to represent 19 of the strikers, made application praying the Board to investigate the cause of the controversy and ascertain which party was responsible therefor. It was stated that the product of the chipping department supplied material for 700 machinists, and that the number employed at the works in question was about 1,000, all told. The Board called at the machine shop on June 8 and desired to see the firm, but the superintendent said that at that time there was no trouble. On June 12 one of the petitioners called and stated that the chippers had returned on the preceding day, under a promise of satisfactory pay to be arranged at the end of a week's work. He and another of the committee had been blacklisted, he said, and the strikers who returned had sacrificed them to secure their own reinstatement.

BURLEY & STEVENS—NEWBURYPORT.

On July 2 the joint petition of Burley & Stevens, shoe manufacturers of Newburyport, and John F. Tobin, authorized agent of the employees in their cutting department, requested the Board to decide whether a practice recently inaugurated of charging cutters for damages to stock in process of manufacture was consistent with the agreement under which work was performed in their factory.

The following decision was rendered on July 23:—

In the matter of the joint application of Burley & Stevens, of Newburyport, and their employees in the cutting department.

PETITION FILED JULY 2, 1900.

HEARING JULY 10, 1900.

This cases arises out of the discharge of two cutters: one, for the reason that he refused to pay for damages to shoes, traceable to him, such payment being refused as inconsistent with the price list established May 26, 1900, by agreement between the firm and the cutters' union; the other, discharged for cutting through mistake a case of shoes by a wrong pattern.

It is understood that both men are now at work in the factory, pending a decision by this Board as to the right of the firm to discharge men, under the price list agreed to as above, and also "whether damaged work shall be charged under the list now in force."

After a full consideration of the case, and having first consulted the Attorney-General as to the legal powers of the Board in dealing with the case, the Board is of the opinion that, under the agreement between the firm and the employees, the firm had the right to discharge the cutters named in the application, and has the right to charge for damaged work. But, in consideration of

all the facts presented in this case, the Board recommends that there be no new discharges of either workman by reason of what has happened, provided ample satisfaction can be agreed upon by the parties interested for the damage actually done.

By the Board,

BERNARD F. SUPPLE, *Clerk.*

Result. — A letter was received from the cutter's agent on July 25, asking for a reopening of the case, and July 27 was appointed to hear any reasons therefor that might be alleged. Two of the general officers of the shoe workers' union called accordingly on that day and had an interview with members of the Board, in the absence of the chairman, and expressed a desire to state their views in support of Mr. Tobin's motion, as soon as might be, to the full Board. On August 3 they were notified that the full Board was ready to hear anything that they might wish to say on the matter; and they replied that there was a good understanding now in that factory, which removed the necessity of haste in the matter of the motion to reopen the case.

Nothing further was heard of the controversy.

LUDLOW MANUFACTURING COMPANY—LUDLOW.

On July 2 Mr. Frank K. Foster of Boston reported a lock-out, and transmitted the following notice thereof:—

TEXTILE WORKERS' UNION, LUDLOW, MASS., July 1, 1900.

To the Honorable the State Board of Arbitration.

GENTLEMEN:—On June 16—two weeks ago—the Ludlow Manufacturing Company of Ludlow, Mass., after having given one week's notice to its employees to give up their connection with the Textile Workers' Union, discharged all of them because they refused to do so. There was no difference as to wages or hours of labor. The firm had no other complaint except that it objects to the union. All honorable efforts were made to settle the trouble, but because we would not give up our right as free men and disband the union, the company locked us out to the number of 200, and has now given us notice to vacate their tenements which we now occupy.

Under the circumstances, we would very respectfully submit our case to your honorable Board for your mediation and arbitration.

We have not done anything that is unreasonable or unjust; we only insist on our right to belong to the union for mutual benefit and protection.

Trusting that you will take speedy action to investigate this case and effect an adjustment of the trouble, we are

Very respectfully,

JOHN BOURCIER, *President.*

JOSEPH BLAIN, *R. S.*

After notice to the parties in interest, the Board went to Ludlow and had separate interviews for the purpose of bringing about a reconciliation. It was ascertained that

when the wage earners had been organized they undertook to regulate the amount of a fair week's weaving, but desisted on learning their employer's hostility to the union.

It appeared that the company produced jute and cotton bagging, and was without competitors in this section of the country. The agent claimed to have treated the operatives well, having taught the trade to the major portion of them and given them good wages, from \$10 to \$12 a week, which enabled many of them to acquire property. There had been unity enough, he said, before the union was formed, but since then there was more or less ill-feeling between union and non-union weavers. His sympathies were with the work people, from whom he had risen, but he was under no necessity of considering their return to work, since it was easy to train new hands. In point of fact, one department was full-handed; in another 23 out of 28 places had been filled already; and another had a working complement. It was out of the question and impossible to take back all, if he were so disposed. If he reinstated any, to operate some of his idle looms, they would be few, and would have to return as non-union men; and, though they understood his determination on these points, he was willing to discuss the situation with a committee of weavers at any time.

The Board reported the substance of this interview to the locked-out weavers, and advised them to send a committee to negotiate a settlement, if possible, and notify the Board of the result, which they did, on July 14.

The following letter was sent : —

128 STATE HOUSE, BOSTON, July 16, 1900.

MR. FRANK K. FOSTER, *116 Eliot Street, Boston; Mass.*

DEAR SIR :— You will be interested in learning that the Board went to Ludlow and had separate interviews with the parties to the difficulty in the mill of the Ludlow Manufacturing Company. Mr. Stevens expressed his intention to hire none but non-union men, and his satisfaction, in the present circumstances, with the way things are going. One of his departments was full-handed, another nearly so, and another had a pretty large complement of employees. He said he would receive any committee of the past employees, and talk the matter over. The Board arranged an interview, which took place subsequently. We are informed, in a letter received to-day from Mr. Bourcier, that a committee went to see Mr. Stevens, and was told substantially what is stated in the foregoing.

Yours respectfully,

BERNARD F SUPPLE, *Clerk.*

Nothing further was heard of the difficulty.

J. H. HORNE & SONS' COMPANY — LAWRENCE.

Early in July the local union of the National Association of Machinists at Lawrence made a demand on employers for a nine-hour day without reduction in pay, the same to go into effect on the 16th of the month, and two of the firms granted the demand. The committee waited upon J. H. Horne & Sons' Company, and were told that, owing to existing contracts, the demand could not be granted. They reported to their union that the company promised a 10 per cent. increase, to go into effect on January 1. The union was averse to accepting the offer, but took no further action. The general manager of the company made a public statement, denying the offer. The spokesman for the company's machinists questioned him upon the matter, and was thereupon discharged. All the machinists ceased work, claiming that all had been discharged. The company stated that only one had been discharged, and that the others had gone out on a sympathetic strike. On July 31 James E. Buchanan, agent of the union, presented a written application for the good offices of the Board, alleging a lock-out of the men in question. The Board went to the scene of the difficulty on August 2, and had separate interviews with both parties to the controversy. It appeared that the man who had been discharged was willing to waive any grievance that he might have, and to take himself out of the way, in order to facilitate an agreement.

The employer did not care to confer with the employees on the question of a settlement without the general manager, who was out of town for a few days.

On August 6 a letter was received from the general manager, to the effect that all vacancies had been filled, business had grown slack, night work had ceased in the factory, the former night shift was now employed in the day time, and he had all the help that he needed.

The following letter of August 6 was sent to the general manager : —

B. F. HORNE, *Superintendent, The J. H. Horne & Sons' Company, Lawrence, Mass.*

DEAR SIR : — Your letter of August 3 was duly received, and has been laid before the Board at its meeting to-day, and the contents were transmitted to the workmen in interest. It is regretted that the way to a reconciliation seems barred ; but if the situation should change, the Board would be pleased to renew its efforts for a restoration of harmonious relations, and to hear from you again.

Respectfully,

BERNARD F. SUPPLE, *Clerk.*

Nothing further was heard of the difficulty.

INGALLS & KENDRICKEN — BOSTON.

On August 16 60 steam fitters left the employ of Ingalls & Kendricken, protesting against the firm's retention of a workman who could not be induced to join the union to which they belonged, which retention they deemed a violation of the spirit of the agreement entered into under date of October 24, 1895. The next day, on learning of the difficulty, the Board went to the steam fitters and their recent employer, and endeavored to find a way of bringing them into agreement. On first inspection there appeared to be an obstinate contest, destined to be long drawn out; but while the Board was mediating the obnoxious man was summarily discharged, for reasons not connected with the controversy. This was an opportunity not to be neglected. Accordingly, the men were apprised of the fact by a member of the Board, who took occasion to say that the strike was a violation of both letter and spirit of said agreement, which states that "In case any dispute shall arise between the Master Steam Fitters' Association and the Steam Fitters' Union of Boston, which the parties are unable to settle by agreement, the matter shall be submitted to the State Board of Arbitration and Conciliation without strike or lock-out." And they were advised, in case of future difficulty, to remain at work and endeavor to settle their controversy in an amicable way. The strikers thereupon voted to return to work on the following day, and the difficulty was ended to the satisfaction of both parties.

INGALLS & KENDRICKEN—BOSTON.

Pursuant to the advice of this Board, as recounted in the foregoing, the recent strikers returned after a two days' idleness on August 18 to their occupation as steam fitters to Ingalls & Kendrickken, when they discovered that 3 non-union steam fitters had been hired for the work in hand during their absence. The union men considered this a violation of the agreement of October 24, 1895, which stipulates that members of the Boston Steam Fitters' Union shall be preferred when of equal capacity and skill. They thereupon complained to their agent of the grievance, and declared their intention to strike again if the difficulty were not speedily adjusted. The agent invoked the Board without delay, whereupon an effort was made by the Board to pacify the trouble. It appeared that after the strike had been inaugurated, when the employer could deem himself released from said agreement, the non-union men in question had been hired for a few days only.

The Board accordingly notified the workmen that in all probability the employment of the objectionable men would soon cease, and their promise was obtained that no strike would be voted that day. This was satisfactory to the employer, and the union men continued on at work.

On the next work day, which was Monday, August 20,

the agent for the union requested the Board to make inquiry whether the 3 objectionable men had been discharged. Such was found to be true, and was so reported to the agent. The men continued at work, and there was no recurrence of the controversy.

BOSTON STEEL AND IRON COMPANY—BOSTON.

Sixty iron workers in the employ of the Boston Steel and Iron Company quit work on August 17 for the purpose of establishing the union price of 33 1-3 cents an hour. It was thought that 600 workmen represented in the Building Trades Council of Boston might become involved in sympathetic strikes. Communication was thereupon had with the business agent of the men in interest, and an assurance was received from him that the strikers would join in any conference of parties that the Board might succeed in bringing about.

On or about August 23 an agreement was reached, and the strikers voted to return to work.

HAMILTON MANUFACTURING COMPANY—LOWELL.

Early in September the Print Workers' Union of Lowell had under discussion the question of overtime in the bleacheries and dye houses of that city, and on September 13 occasion arose which promptly led to a strike in the Hamilton Mills. On the day before there was an accident to the machinery that caused a stoppage, and as the day drew to a close the foreman requested four of the employees of his department to continue at work after the usual time of shutting down; his purpose being, as subsequently stated, to make up for lost time and to save perishable goods in process of manufacture. The four employees refused to stay as requested, and left the mill at the usual closing time. On returning the next day they were discharged. Thereupon 14 others of that department went on strike, and shortly all the employees in the printing department, about 200, were out of employment.

The Board went to Lowell nearly every day for the next three weeks, and had many interviews on one side and the other concerning the main grievance and such other questions as arose during the progress of the strike, or which at last were brought up as obstacles in the way of a settlement.

The trades union's demand for "time and a quarter" pay for all work done after the usual closing time was the main grievance of this controversy. The reinstatement of

the four men who had been discharged, it was claimed unjustly, was also an important consideration at the outset. Later on, apprehensions lest some of the work people might be refused reinstatement produced a hesitation on the part of the strikers to return to work except under circumstances favorable to their contention.

On the 18th it was learned that a similar strike had occurred in the Merrimack Mills, treated elsewhere in this report; and the workmen's committee was composed of three from the Hamilton and three from the Merrimack Mills. As early as September 20 it was apparent to the Board that the employer was willing to reinstate all except the four men he had discharged. On the 26th the Board had an interview with the discharged men, and discussed the bearing which their part in the controversy had upon the interests of the many. They were not disposed to stand in the way of a settlement, and accordingly notified the Board that they would withdraw from the controversy. The question of extra compensation for overtime being the only point of dispute that remained, the difficulty was greatly simplified. The workmen's committee was requested to say what they would or would not do in the matter of returning to work, and the question was taken under consideration by them. The Board then informed the superintendent of the mill concerning the progress made thus far. It appeared, however, for the first time, that the management of the mill had objection to certain other employees whom it deemed undesirable because of their participation in the difficulty; and, until some assurance could be received from the employer that there would be no discrimination, the prospect of a settlement seemed to be as remote as ever.

On the following day the Board was at Lowell, and had an interview with the treasurer, the agent and the superintendent of the Hamilton Mills, with the result that objection to any striker other than the four discharged men was set aside, and a promise was received that all would be reinstated without prejudice or discrimination. The question of extra compensation for overtime work was then considered, and the management assured the Board that no overtime would be required in the future, except in case of emergency, whereupon the question of extra rate of pay would be considered.

On offering to reinstate all the past employees without discrimination, the management also wished it understood that this was not meant to be all at once, but only so fast as repairs of machinery, then in process, would permit.

The workmen's committee, on learning the substance of this interview, did not feel sufficiently warranted to declare the strike off, but expressed their willingness to return to work on the terms transmitted by the Board. They undertook to secure, if possible, a vote to that effect of the employees in interest, at their meeting to be held in the evening of September 27.

At this stage a change in the personnel of the committee and a misunderstanding of the terms transmitted led to the strikers' rejection, in full meeting, of the proposition to return to work. This being communicated to the Board, a member went the next day to Lowell and attended another meeting held that evening, September 28, at the strikers' headquarters, where the true situation was fully explained to the union by him. Another vote was taken thereupon, which unanimously reversed the vote of the

previous meeting, and determined the return of all hands as soon as the mill might be ready to receive them.

On the 29th this final resolve of the workmen was communicated officially by the Board to the management, and arrangements were made to receive as many of those who would return as could be accommodated. There was reason to believe that all applicants would be taken back in a short time. In a few days the work in the Hamilton Mills was going on the same as before the strike.

**MERRIMACK MANUFACTURING COMPANY—
LOWELL.**

In September the print workers employed in the Merrimack Mills at Lowell demanded "time and a quarter," or 25 per cent. extra for work in excess of eight hours. No reply to the demand had been received on the 17th, when at the end of the work day, as they reckoned it, they withdrew. This was in contravention of a notice posted in the mills by the management, to the effect that such withdrawal should be considered final. The next day none of them returned to work, and a long contest was inaugurated. A strike committee was appointed to act in conjunction with a like number of recent employees of the Hamilton Mills. Several departments were involved; on the 19th some women employees quit work in sympathy, and about 400 operatives were out of employment. On the 22d, when the strikers were paid off, each received a yellow slip, which was interpreted as a discharge. Other help was hired in their places. In marked contrast with the strike at the Hamilton Mills, in another quarter of the city, some street rows threatened the public peace, but there was no serious rioting. The Board was at Lowell on the day of the strike, and from that time on had a number of interviews with the parties. The employer stated that overtime work was necessary to steady employment, and therefore

of advantage to the operatives. Hence, they could not fairly insist on extra pay for it. Moreover, it was not in his power to grant such a demand, since none of his competitors paid it.

At a conference between the Board and a committee of the workmen, the latter requested the Board to convey to the management a proposition that all hands be reinstated, and the matter be referred to the Board for arbitration.

This proposition was taken by a member of the Board to the management on September 27, and was respectfully declined by it.

A committee of citizens was appointed by the mayor for the purpose of endeavoring to adjust the difficulty; but it held only one meeting, discussed the difficulty and adjourned, subject to call.

On October 2 the following correspondence was made public:—

LOWELL, MASS., September 29, 1900.

JOHN W. PEAD, Esq.

DEAR SIR:— I have the honor to inform you that John O'Hare and Patrick J. Mahoney who stated that they were a committee appointed by the men who were formerly in the employ of the Merrimack Manufacturing Company, requested me that I should write you and state the propositions of the former employees of the company for a settlement of the unfortunate difference existing between them and the authorities of the corporation, and it is this: that the men return to work in a body; that the corporation then appoint one man, the men appoint a man, and those two appoint a third, all questions in dispute to be submitted to them for arbitration, their decision to be finale and both parties agreeing to abide by the decision. I have submitted the proposition to you as the person highest in authority in Lowell, to speak for the Merrimack Company, as the mayor of the city in which we are all

interested, and love, that something may be done to adjust this matter, and that good feeling and harmony may exist between the employers and the employed.

Respectfully yours,

JEREMIAH CROWLEY, *Mayor*.

LOWELL, MASS., October 1, 1900.

To the Honorable JEREMIAH CROWLEY, Lowell, Mass.

DEAR SIR:—Yours of the 29th inst. at hand. The demand of the strikers at the Merrimack Print Works is that either overtime work cease, or that it be paid for at one-fourth more than the regular pay.

The business of the company is of such a nature that overtime work at certain seasons and in certain departments is a necessity.

If the works should be so extended as to avoid overtime, the result would be that steady employment could not be given. The present system is, therefore for the interest of the operatives, as well as of the company.

Overtime in the departments in question has always been paid for at the regular rate, and this has been the rule not only at the Merrimack but at the Hamilton, Pacific and Manchester Print Works. We should not be called upon to pay more than our competitors, neither is there anything in the condition of the print business to warrant an advance in wages at this time.

Many of the places being filled, it is impossible to take back the former employees in a body, as you propose.

The Hamilton strikers are to go back on the condition that they shall not be required to work overtime unless it is necessary. We have never worked our employees overtime when not necessary. In view of the settlement in the Hamilton case, which the strikers claim is satisfactory to them, it would seem that the strike of the Merrimack employees was unjustifiable and unnecessary. The committee stated that they did not want to strike, but were out-voted at the meeting, and the action forced upon them.

We have hired such of the strikers as have applied, so far as there were vacancies. To-day in one department 65 applied; 25 were allowed to resume work. The others will be sent for if needed. That will be our policy regarding others.

Very truly yours,

JOHN W. PEAD, *Agent*.

The attitude of the management was exactly the same as at first. Matters drifted on for another week without hope of compromise, until, after more than three weeks of trouble, the strike collapsed. Only as many as were needed could be received, and the hands began to return to their former positions as fast as the conditions within the mill would permit.

HAMILTON MANUFACTURING COMPANY — LOWELL.

A misunderstanding affecting wages in the bleaching department of the Hamilton Mills at Lowell took place on October 8, and thereupon a strike of the 18 employees in that department ensued. The wage earners of other departments, who had lately been reinstated under the agreement already referred to in a preceding case, remained at work, and the difference arising in the bleaching department did not spread to any other branch of the industry.

The following day the Board, upon learning of another trouble in this mill, went to Lowell to investigate it. Interviews were had with the workmen and the management. It was learned that this new difficulty arose from a misunderstanding as to wages, caused by the introduction of machinery, and, further, that, as the men had without notice so soon after the other strike severed their connection with the mill, the employer was not willing to receive them back.

The places of the men were filled one after another, and at last accounts the mill was running full-handed.

JORDAN, MARSH & CO.—BOSTON.

On October 4 the agent for the upholsterers in the employ of Jordan, Marsh & Co. had an interview with the Board in relation to a movement in his industry for higher wages per week, and filed an application requesting the Board to mediate, with a view to bringing about a settlement. There was no indication that the employer was averse to granting the demand. The agent was therefore advised to lay the demand before the firm, and endeavor in a direct way to come to an agreement and report the result. When such an effort had been made in vain, it would be proper to invoke the services of the Board. In a few days he reported that negotiations were pending, and thus far had produced good results; and on the 13th of October he notified the Board that the employer had conceded the demand.

**AMERICAN HIDE AND LEATHER COMPANY.—
LOWELL.**

A strike of 15 trimmers occurred on October 5 in the American Hide and Leather Company's tannery, known as White Brothers, at Lowell. Several employees of other departments were thrown out of work in consequence of this strike. Neither party seemed to care to make the details of the difficulty public, but it was known in a general way to be a controversy relating to prices; and the strikers claimed that, intentionally or otherwise, the company had not lived up to its promises, made in settlement of a recent difficulty. The Board had interviews with the parties, and learned that the difficulty was in way of settlement, both parties having agreed to confer with that in view.

Finally, a settlement was reached and the strikers returned to work on October 15. The employees who had been thrown out of work by reason of the strike did not return until several days later.

A. B. FRANKLIN — BOSTON.

On October 9 notice of a threatened strike at the shop of A. B. Franklin in Boston was received from the business agent of the Steamfitters and Helpers' Unions.

At a subsequent interview between Mr. Franklin and the business agent, the former claimed that the union had no right to order a strike until they had brought the matter before this Board, and suggested that both parties should appear before it.

After some delay, due to the illness of one of the parties, a conference was held in the presence of the Board on the 23d, and assurance was received from the business agent of the two unions involved that pending the Board's mediation no strike should be declared.

A controversy arose as to the interpretation of the agreement of October 24, 1895, which had been effected through the medium of this Board. In the discussion which ensued it was evident that both parties desired a peaceful settlement. Accordingly, when the question of revision of the agreement arose, the Board advised them to meet again, for the purpose of adjusting their views in such a manner as would enable them to maintain friendly relations, and to report the result to the Board. If, after further discussion, the matter was found too difficult to adjust in mutual conference, the Board would willingly renew its assistance. The advice was accepted. On October 30

each party called at the State House and reported to the Board that no adjustment had been made.

Mr. Franklin undertook to lay the matter before his associates in the Master Steam and Hot Water Fitters' Association for collective action, and the case then merged into the next following, in which an earnest effort was made to establish rules satisfactory to all engaged in the business.

No further threat of strike was heard from the employees of A. B. Franklin; and up to the time of writing this report the relations of employer and employed, pending the formulation of a general agreement, has been all that could be desired.

MASTER STEAM FITTERS—BOSTON.

The controversy discussed in the preceding case of A. B. Franklin developed the fact that the agreement of October 24, 1895, regulating the relations of employer and employed in the steam and hot water fitting industry of Boston and vicinity was in some respects susceptible of improvement. This having been brought to the notice of the Massachusetts Master Steam and Hot Water Fitters' Association, a committee on revision was appointed, to confer with the regular committee of the wage earners. The steam fitters' helpers were not directly represented at the time said agreement was drawn up, it being thought that their interests were fully safeguarded by reason of the organic connection existing between their union and that of the fitters, the two being accustomed to act in all important matters through a joint committee, and having one business agent to conduct the ordinary affairs of both bodies; but difficulties with the helpers had arisen from time to time within the past five years, and, though amicable relations prevailed, the provisions of the agreement had been more or less disregarded. On the one side it was thought that the helpers were not sufficiently protected by an agreement which did not mention them in terms, and on the other side the opinion was gaining ground that the helpers were not sufficiently bound by such covenant.

The agreement of October 24, 1895, which it was proposed to revise and extend, was as follows:—

I. That on and after May 1, 1896, eight hours shall constitute a day's work, without any reduction of pay.

II. That nine hours shall constitute a day's work on all out-of-town work where board and expenses are paid, except in cities or towns where eight hours are recognized as a day's work by the master fitters and steam fitters of said cities or towns.

III. That, in hiring steam fitters in the future, members of the Boston Steam Fitters' Union shall be given the preference, when of equal capacity and skill.

IV. That all differences arising shall be referred to an arbitration committee.

V. In case any dispute shall arise between the Master Steam Fitters' Association and the Steam Fitters' Union of Boston which the parties are unable to settle by agreement, the matter shall be submitted to the State Board of Arbitration and Conciliation without strike or lock-out, the decision of the State Board to be final: *provided, however*, that, in case a sympathetic strike or suspension of work is ordered by the Building Trades Council of Boston and Vicinity on any building upon which members of the Boston Steam Fitters' Union are at work, a compliance with such order on their part shall not be considered a violation of this agreement.

In response to invitation by the Board, conferences were held in its presence on November 5 and 12, and on November 24 an interview was had with the legal counsel of the employees in interest.

The workmen were represented by two committees of three each from the steamfitters and the helpers' unions, and the masters by a committee of five. In these conferences, which were conducted with great earnestness on both sides, but with evident fairness, most of the articles were settled upon, but two or three remained in dispute.

The last meeting adjourned subject to a call of the Board, and, although interviews have from time to time been had

with the parties, an agreement has not yet been reached. Hope of final agreement is not relinquished, and, though nothing has been suggested that would call for a resumption of the conferences, the relations of all concerned continue to be friendly.

CARPENTERS — MALDEN, ETC.

On October 16, the attention of the Board having been called to a threat of striking on November 1 for the purpose of enforcing a demand for a work day of eight hours, a visit was made at the headquarters of the carpenters' union at Malden. When the law regulating the adjustment of labor disputes had been explained, and the mediation of the Board offered, the officers of the union replied that, so far as they might be authorized to negotiate in local controversies, they would accept the services of the Board rather than engage in a strike; the movement thus far, however, was due to the concerted efforts of committees of the local unions of the United Brotherhood of Carpenters and Joiners of America in six cities and towns in the metropolitan district, and would soon probably take a much wider range.

It appeared that in August the following circular had been sent to the carpenter builders of Malden: —

GENTLEMEN: — In furtherance of the agitation started by the journeymen carpenters of this city early in the season of the present year, we have decided to again appeal to you, whose interests are joined with ours, in attempting to do something that will tend to the upbuilding of the trade. Our consideration of the question has again brought us to the belief that the first remedy must be worked on lines that will give a larger volume of business, or, in other words, extend the season of building operations. This can only be attained through a shorter work day, and it is on the grounds of our undivided belief that we again ask your co-operation in establishing this most necessary reform.

Our plan is that on November 1, 1900, we establish, by putting in operation, the eight-hour work day, the same to continue through the winter months and from that on. So firm is our belief in the necessity of the short-hour day, that we are willing to sacrifice the wage question to its adoption, and would simply refer to you the fact of the low wages paid to the men of our trade, compared with that paid to other mechanics in the building line. If conditions would warrant, we would ask, in estimating on work in the spring of 1901, that this matter be kept in mind, and estimates be made on the basis of allowing the nine-hour wage for the eight-hour day. We believe by this plan the short-hour day can be introduced without fear of competition or dissatisfaction from any source, no interests will be injured, but all will be benefited on the grounds that it takes a well-conditioned labor market to make good business.

This is no new experiment. The eight-hour day is an established fact in more than one hundred and fifty cities of our country, also recognized by the national government and state government. The test has been made by employers all over the country, and they bear testimony to the general good results from the change. It is beyond the question of contradiction that no body of employers, and we do not know of a single case, where the system has been given a fair trial, that would think of going back to the old condition of long hours. This means to us the elimination of poverty, ignorance and intemperance, which lead to crime and their accompanying evils. It means to your side, as we view it, a change from the present conditions, that tend to a demoralization of business interests, caused by periodical and at times complete suspension of work, shutting off legitimate profits on the capital invested, leading in many cases to bankruptcy, which has a general effect on the entire business community. The demand for a reduction of hours of labor is not an abnormal dream of a few fanatics, but is one of the natural and inevitable tendencies of a progressive civilization. You will pardon us for the length of this appeal. Our apology is our interest and faith in the remedy we propose. We are willing to go to any length to secure your co-operation. We desire to disprove the idea of those who claim our principal object is strike, and want it understood that all possible efforts are directed on the lines of conference, rather than in the exercise of might. We feel, if you gentlemen will meet us fairly by giving us your advice, you will find that the same will receive the attention of our best judgment. We ask you to seriously consider this

appeal, and, if you can see justice back of it, send us word to that effect. If you feel our position is wrong, and needs amending, let us know where the objection is, and your opinion will be treated with respect, and no doubt lead to an understanding which will result in the accomplishment of the desired ends, — a better protection of the carpenters' trade from the stand-point of employer's and employee's interests.

Awaiting an early reply, we remain respectfully yours,

JOINT COMMITTEE OF BROOKLINE,

NEWTON, CAMBRIDGE, MALDEN, CHELSEA AND WALTHAM.

The Board was informed by members of the above joint committee that the circular had received such consideration as to warrant hope of success, but, if any obstacle to negotiation should arise, they would notify the Board.

Subsequently the carpenter builders of Brookline, Cambridge, Chelsea, Newton, Lowell, Melrose, Somerville, Waltham and other places received a similar request. The employees remained at work, and building operations proceeded as usual during the pendency of negotiations. On October 23 the following agreement was reached in Brookline.

The carpenters and builders of the town of Brookline hereby agree to put in operation the eight-hour work day for all men in our employ on the first day of November, 1900, and further agree that we will give the same a fair and faithful trial as to its effect in our business as governed by existing conditions. And the organized carpenters of the town of Brookline promise to do all in their power to prevent unfair competition, and will protect you in every way that is possible in this agreement for a better condition of our craft.

Similar agreements were effected in Chelsea and Cambridge. In Malden it was agreed that the rule should go into effect on the first day of the new year; but a misunderstanding arose which postponed the change in hours to April 1, 1901.

At the time of making this report the Board is informed that all but one of the firms in Newton had conceded the demand, and that in other cities and towns the workmen were confident of an early settlement that would be satisfactory to all concerned.

JOHN ST. JOHN — HOLYOKE.

Early in October the various building crafts of Holyoke were employed in the construction of the Elmwood School, the early completion of which, corresponding with the educational needs of that city, was an object of solicitude to the mayor. The Building Trades' Council sent a committee to the city officers to request that no contract be awarded to any employer of non-union plumbers; but the Board of Public Works, having charge of the construction, did not see its way to discriminate between the citizens on such grounds. The employment of four non-union plumbers by Kennedy & Sullivan became the subject of a difficulty on the part of John St. John's carpenters, who objected to working with them. The carpenters had no relation with the plumbing contractors, and their own employer was powerless to remedy the alleged grievance.

On October 11 all the carpenters in question went out on strike. The lathers then struck for a similar reason, and in a short while construction ceased in all its branches. The State Board went to Holyoke on the 17th, and brought about a conference of all the parties interested. The master carpenters, a member of the plumbing firm, the mayor, the President of the Board of Public Works, the agent of the Building Trades Council and the four non-union journeymen plumbers, met in the mayor's office, and endeavored, by conference in the presence of the State Board, to find some

way of terminating the difficulty. The master plumber was neutral regarding his workmen's attitude towards trades-unionism, but expressed his readiness to perform his part in any fair expedient that might be devised. Mr. St. John promised his co-operation. The four non-union workmen stated that their objection to joining the union was that the required fee was excessive. The representative of the strikers, who was the business agent of the building trades council, said that he would endeavor to have the plumbers' union commute the cost of initiating the men in question to fees within their means. Mr. Sullivan of the plumbing firm volunteered to advance the amount, whatever it might be, if agreeable to them, on account of wages for work to be performed. The four journeymen accepted their employer's offer, and thereupon signed applications for membership in the plumbers' union. This solution was gratifying to all concerned. The controversy was at an end, and on the following day, October 18, all the building trades resumed operations on the Elmwood School.

The co-operation of the Hon. Arthur B. Chapin, mayor of Holyoke, contributed greatly to the speedy settlement.

The influence of the settlement extended beyond the scene of the difficulty narrated in the foregoing, and was effectual in warding off trouble in the building of the Highland School, then under contract to the same parties.

McARTHUR BROTHERS COMPANY — CLINTON.

About 250 laborers employed by the Metropolitan Water Board at Clinton, in the construction of the Wachusett dam, at \$1.50 a day, learned on October 15, at the end of a half-hour's work, that the contract for the succeeding portions of the work had been awarded to McArthur Brothers Company, of Chicago, and that the new employer intended to pay for a ten-hour day at the rate of 13 1-2 cents an hour. The new price was deemed insufficient, and the laborers struck. The Board communicated with an officer of the Metropolitan Water Board, and learned that, while it was no longer the direct employer of the men in question, it would be pleased to have the Board compose the difficulty, if possible. While the Board was in Holyoke, reports were received to the effect that strangers had been put to work in the places of the strikers, and that collisions had occurred between the former employees and the newcomers. The contractors had sought and obtained police protection. On arriving at the Wachusett dam it was learned that many of the old hands had returned to work, and the chief of police assured the Board that everything was going on harmoniously, the same as before.

FITCHBURG MACHINE COMPANY — FITCHBURG.

On October 25 the Board went to Fitchburg and had separate interviews with the parties to a controversy in the moulding industry. In June last the moulders employed by the Fitchburg Machine Company demanded a minimum wage of \$2.75 per day, which it afterwards changed to one of \$2.62 1-2 a day. The employer's refusal was the occasion of a strike that has lasted ever since. The employer would make no concessions, and the strikers' committee expressed a belief that it was useless to press matters at that time, for the reason that business was dull. The Board gave such advice as was calculated to facilitate negotiations whenever they might be resumed.

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M. J. PERRAULT — FITCHBURG.

The parties to a controversy in the foundry of M. J. Perrault were interviewed separately on October 25 at Fitchburg. The employer said that the union price, \$2.75 a day, had been demanded of him last June. He declined to entertain it, closed up the shop, but afterwards reopened it to non-union men only. Business, he said, was dull, but the situation was on the whole satisfactory to him. The employees expressed the belief that while business was at such a low ebb it would be useless to undertake anything looking towards a settlement.

BUTCHERS AND GROCERS' CLERKS—SPRINGFIELD.

On October 25 the Board went to Springfield for the purpose of mediating in a controversy between the butchers and grocers of that city and clerks in their employ. Alleging that the employees in question intended to procure the discharge of non-union clerks, some of the dealers had required that men in their employ should not be members of the clerks' union. The employers also were organized, and three stores had been "boycotted."

Separate interviews were had with the secretaries representing the respective sides. Each promised to call a meeting of his organization for the purpose of appointing a conference committee, with power to negotiate a settlement, and to notify the Board of the result.

The Board went again to Springfield on November 7 and met a committee of butchers and grocers' clerks, and conferred with them on the question of settlement. The committee said that, while the relations of employers and employees were strained, there was at that time no grievance to present of such character as might be the subject of a reference to the State Board of Arbitration.

THOMAS G. PLANT COMPANY — BOSTON.

On October 27 there was a strike of about 115 cutters in the factory of Thomas G. Plant Company in Roxbury, which soon involved 100 other employees and threatened to spread to all departments, including about 2,000 wage earners, all told. The strike originated with the cutters, who objected to a system of caring for the clothing which had been recently inaugurated in that factory. They apprehended that their garments would be rendered unsightly, if not damaged, especially in damp weather, by being rolled up and forced out of shape into the receptacles constructed for the purpose of guarding them.

Notice of the strike was received from the employer after the close of business hours on Saturday, October 27, and arrangements were made for a prompt visit on the following Monday, by the full Board. Early on the morning of the 29th, accordingly, the Board went to the scene of the difficulty, and, placing itself in communication with both parties, endeavored, by argument and suggestion, to reconcile them. The president of the company addressed the strikers at their meeting. He said that his system was practically the same as that adopted by the best hotels, but that his plans had not yet been fully carried out.

Thereupon the strikers passed a vote substantially as follows: that on the following morning, October 30, at 7.30 o'clock, they should return to work, place their clothing

in the usual places, as heretofore, and, awaiting the completion of Mr. Plant's arrangements, try them for one week. Mr. Plant, on his part, promised to make such changes as would meet the wishes of the help, or take down the boxes which had been prepared for storing the clothing; but he hoped that when the arrangements were completed and tried for a reasonable time they would prove satisfactory.

In this way the strike was declared off, through the efforts of the Board, and the wage earners returned to work on the following day.

S. SHAPIRO — BOSTON.

The men employed in the making of skirts at S. Shapiro's factory in Boston, numbering 13, went out on strike on the 25th of October. They had recently organized a union for the purpose of enforcing redress of grievances, but the women employed were resolved not to join the union. The reason given to a member of the Board who investigated the difficulty was that the employer had aimed a blow at the principle of trades unionism in the discharge of a certain workman who had been active in attempting to reform the customs of the shop. The employer said he had not discriminated against the union, but had discharged the man in question for sufficient cause. He said the strike presented no difficulty for him, in that he had the help he needed, was running his factory full-handed, and the situation was perfectly satisfactory to him.

The mediation of the Board was recommended in case it should appear that the situation might be improved through a conference of both sides; but nothing further was heard of the matter.

HUMPHREY & PAINE—MARBLEHEAD.

Seventeen turn workers in the factory of Humphrey & Paine at Marblehead went out on strike on October 29 to enforce a demand for higher prices. On the 1st and 2d of November the parties were seen, and their assent to a conference was obtained. The employer presented an application for the Board's services, alleging that the prices demanded were excessive. Invitations were issued to both parties to confer at the shoe factory at Marblehead, on the 6th, with a view to settling the controversy by agreement. The appointed conference was had in the presence of the Board, and after a full discussion of the matters involved, an agreement was reached whereby the men returned to work on the next day following, with the understanding that if after trial prices were found to be excessive, the shoe council at Haverhill would take the matter under consideration, with a view to possible amendment.

On December 27 another difficulty arose between these parties, which was settled in a few hours. No further difficulty has come to our knowledge.

BOSTON & ALBANY RAILROAD COMPANY—SPRINGFIELD.

On the 25th of October a strike of boiler makers in the employ of the Boston & Albany Railroad Company at West Springfield occurred, — a sequel, it was said, to an older settlement, whose terms had in some way been violated. The present grievance began in the unfriendly attitude of a foreman, and his furnishing employment to non-union men had made the breach wider, it was claimed. They now demanded, as a condition of accepting work in these shops, that the foreman be transferred to another station. On November 7 the Board went to Springfield, had an interview with the strike committee, and made appointments for the following day. On the 7th and 8th the Board was in Springfield, and mediated between the parties with a view to discovering some method by which the difficulty could be settled. The local officers of the road would make no concessions that the strikers would accept. The boiler makers' union then offered to withdraw all complaints concerning non-union men and return to work, provided the foreman be transferred to some other quarter.

The local managers of the road requested time for consideration, and promised to reply in a few days. On November 12 the grand president of the International Association of Boiler Makers of the United States, Canada and

Cuba, the president of the Springfield lodge of that association, the secretary of the Boston lodge and three others called upon the Board, and said that the attitude of the employer in Springfield was unfavorable to their demands, and that a written answer had not as yet been received from the local management, as they promised. The Board telephoned to Springfield, and was informed by the local management that the answer had been sent. The substance thereof was made known to the strikers, and they requested that the Board call upon Mr. Bliss, the president of the road, with a view not only to resolving the difficulty thus far, but to preventing a general strike of boiler makers along the lines of the road, and most particularly at Albany and at Boston.

An informal meeting was thereupon had with Mr. Bliss at his office in Boston, and, at the instance of the Board, Mr. McNeil, grand president of the national body of boiler makers, was introduced, and a conference with a view to a settlement was thereupon had in the presence of the Board. Mr. Bliss was informed that seven boiler makers in his employ would call for an interview on the morrow, and he said that he would receive them. The whole difficulty and the proposed general strike were discussed. Mr. Bliss said that, while he thought the strikers should give the foreman a further trial, he desired further time to settle the matter.

On the next day a conference of parties took place at the Boston office of the Boston & Albany road, between the president of that road and the grand president of the general body of workmen. The Board was then informed that an agreement had been reached, whereby the strikers were to return to their former positions in the forenoon of the next day, and the controversy was to be referred to the

State Board. Such information as was applicable to this juncture was given, and blank forms of application left them.

A joint application was received, signed by Messrs. Bliss and McNeil as the agents respectively of the parties in interest, praying the Board for the adjustment of their dispute. Pending the arbitration, the Board was notified on November 28 that the controversy had been settled by agreement between the parties in interest. The application was thereupon placed on file.

A difficulty that at one time threatened to "tie up" the operations of a great road was averted. All hands returned to work, and in a few days all was going the same as before.

THOMAS G. PLANT COMPANY—BOSTON.

By the first week of November the Thomas G. Plant Company, shoe manufacturer of Boston, had made some changes of machinery in the department of edge setting. The employees of this department, 34 in number, who had been idle while the machines were setting up, returned to their places on November 5. Having worked with the new machines a day, they were notified that certain changes in prices had been decreed by the president of the company. The edge-setters reckoned that the new prices would reduce their pay about \$2 a week, and resented what they deemed a short notice. All but two of them left the factory on November 6, declared a strike, formed a local union, and on the 7th were affiliated with the Boot and Shoe Workers' Union.

The workmen claimed that the change was a reduction without previous notice of any kind, and "strenuously objected to such proceedings on the part of the firm."

On the other hand the employer claimed that with the new machines earnings would be greater by the new prices.

Pickets were posted on all the approaches to the factory, and threats of a general strike were made.

The Board offered its services to both parties on the 9th and 14th, but it was plainly a contest of endurance: on the one hand was a union, confident in the power of organization, and on the other was an employer, resolved to main-

tain a free shop. Both were inflexible; but the edge-setters' union, following the practice of the general body to which it belonged, was willing to confer with the employer in the presence of this Board. The president of the company, however, expressed his satisfaction with existing conditions. He had been running on full time, and would so continue. He doubted the probability of a general strike. He had all the edge-setters that he needed, and would take back none of the strikers except possibly a few of the very best. The Board notified the men that the prospect of a settlement was not good, and they expressed their determination to continue the strike.

The matter gradually passed from notice, and at latest accounts the factory was running in all departments without impediment of any kind.

**ACUSHNET MILL CORPORATION AND HATHAWAY
MANUFACTURING COMPANY—NEW BEDFORD.**

The Acushnet and the Hathaway mills of New Bedford are under the general direction of Joseph F. Knowles, the treasurer. On Saturday, November 17, the superintendent of the weaving department notified the loom fixers of both mills, about 100 in number, that thereafter each of them would be expected to keep adjusted and in good running order one hundred instead of eighty looms, of the kind known as Draper. This was considered a hardship by the men in question, and on the following day a special meeting of the loom fixers' union was held to consider the demand. Early in the forenoon of the 19th the president of the national union of loom fixers and the secretary of the local union asked for an interview with the treasurer; but he declined to discuss the subject except with loom fixers in his employ. They thereupon threatened a strike, and a meeting was held without delay. It was then said that the treasurer was willing to confer with his employees; but they declared a strike, and indicated which officers of their union had been selected to act for them. They took the precaution to avoid the appearance of anything like a breach of the peace, in voting not to approach the mills while the strike was on.

On the 21st the Board went to New Bedford and had separate interviews with both parties. On the 22d its good

offices were renewed. The employees were found to be willing to confer with the employer in the presence of the Board, but the treasurer was not in favor with the proposition. A further effort was made, on December 5, when it was found that the attitude of the parties was the same as before. The treasurer could not be found, but the president of the mill treasurers' association stated that under existing rules nothing could be done by his associates except on motion of Mr. Knowles, who was thus far opposed to delegating his control of the situation. It appeared that several attempts of the loom fixers to interview Mr. Knowles by committee on the subject of a settlement had resulted in a failure.

On December 5 a meeting of weavers was held, for the purpose of considering a strike, with the result that a large majority voted to go out on the following Monday, unless the loom fixers' difficulty were adjusted in the mean time. On the following Monday the weavers' strike took place. On that day, December 11, the Board was in New Bedford, and interviewed each party to the loom fixers' strike, and endeavored to arrange a conference of all the parties concerned. The treasurer of the mills persisted in saying that there was nothing to settle, and gave as a reason for refusing the mediation of the Board that its services could only have the effect of encouraging the strikers. He maintained this attitude to the end. The weavers returned to work after twelve days, but the loom fixers continued their controversy. The difficulty was never adjusted. The strike lingered until February 12, 1901, when it was declared off.

**ACUSHNET MILL CORPORATION AND HATHAWAY
MANUFACTURING COMPANY—NEW BEDFORD.**

During the first three weeks of the loom fixers' strike in the Acushnet and the Hathaway mills at New Bedford, the adjustment of looms was performed by men who did not follow that occupation. The weavers claimed that so much time was taken to adjust their looms that they could not make sufficient wages. They said that the management attempted to remedy the grievance by paying the weavers "stoppage pay" for the time lost in putting their looms into running order, but claimed that the stoppage pay was never reckoned fairly, and that what it added to their pay for weaving was not sufficient to procure one-half of what they required to live.

On December 5 the weavers voted to strike on the following Monday, in case the loom fixers' difficulty had not been adjusted by that time. On the 11th about 300 of them struck, according to intention. The Board attempted to mediate between the parties, but with no better result than in the case of the loom fixers. At no time was the treasurer willing to discuss the position of affairs with the weavers' representatives, and he expressed the opinion that any interposition on the part of the Board in the discharge of its duty could have but one effect, — that of rendering his former employees less amenable to reason, as he viewed it. The strike would settle itself, if it were only let alone.

On the 23d of December they voted to return on the following Monday, the 29th. It is said that when they returned on this latter date about 50 of them were refused reinstatement.

The loom fixers' difficulty lingered for several weeks, but the weavers' department had no further difficulty.

LEONARD SHOE COMPANY—LYNN.

Some two years ago, during a period of depression, a reduction in price was pretty general throughout the shoe factories of Lynn. Early in December the cutters were resolved to obtain an increase over present prices, if not a restoration of the price which had been reduced. The cutters, who were members of Local Assembly 3662 of the Knights of Labor, sent their representatives to the firm on December 7, and the matter of the new price list was very thoroughly discussed. The firm, however, refused to accept it, and the men, to the number of 16, went out on strike, in consequence, at half-past ten o'clock in the morning.

The Board sought and obtained an interview with the parties, and found that they were negotiating a settlement, with much prospect of success. This proceeding was encouraged, and the parties were reminded that in case the present negotiations should fall through they could have recourse to the mediation of the State Board. The advice was cordially accepted on both sides. After a few days the parties came to an agreement.

GEORGE W. BELONGA — LYNN.

A difficulty in the shoe factory of George W. Belonga at Lynn grew out of the fact that thereafter better work should be required in the department of hand-turned work; and to secure that result, one of the workmen was promoted to the position of foreman. The men of that department left their work for the purpose of holding a meeting to discuss the situation, whereupon the men were told by the employer to go to the office. They did so and were discharged.

They held a meeting on the evening of that day, December 14, decided not to work under the foreman, and demanded increased pay for the better work that had begun to be required by the firm. A strike was declared. The employer insisted that any return to work must be under the foreman in question, and at current prices. The agent of the employees informed the Board that he believed they might be invited to return at any time.

On the 18th and 19th the Board interposed, with an offer of mediation, but the employer said that nothing could be done until after the new year. Moreover the situation had materially changed since the strike was inaugurated, in that he had engaged machines, and the labor that he might need would be furnished by the machine company. It was subsequently learned, at the end of three weeks, that the machines had been delivered to the factory, but that they

had not as yet been set up. After some further delay, the men's agent and the employer met and came to an agreement. Finally, on the 14th a settlement was reached. On the 16th the major portion of the strikers had returned to work, and work in the hand-turn department was going along as smoothly as before the strike. Under the terms of the agreement, prices were increased in some items, and the foreman in question was retained in his former position.

W. L. DOUGLAS SHOE COMPANY—BROCKTON.

An invitation was received by the Board on the 21st of December to meet representative lasters at their headquarters in Brockton, for the purpose of passing upon new leathers which the W. L. Douglas Shoe Company had recently introduced into the manufacture of their product at Brockton. In response to the invitation, a member of the Board went promptly to the lasters' headquarters in Brockton, and was informed that a controversy had arisen on the subject of classification, a matter which would materially affect the price of labor. Under an agreement existing between the company and its employees, all disputes not settled by direct negotiation are to be referred to the judgment of the State Board. The lasters wanted to be informed of the proper mode of procedure in this case. They were advised that this matter clearly called for the judgment of men expert in that particular calling; and they were informed of that part of the arbitration law relating to expert assistants.

On January 1, 1901, an application was received from the W. L. Douglas Shoe Company of Brockton and the lasters in its employ, and a hearing was given on the 8th. Each party nominated an expert, and they were appointed assistants to the Board for the consideration of this case, sworn and instructed in the discharge of their duties, and sent to investigate conditions and prices prevailing at com-

peting factories, according to a list of competitors agreed upon by both parties.

The investigation by expert assistants having been completed, the Board had reached the point of rendering a decision, when word was received, as the Board was ready to submit this annual report to the Legislature, that an agreement had been reached on classification of stock and price for lasting which was satisfactory to all concerned. The application was thereupon placed on file.

PRINTERS — BOSTON.

On December 24, 1900, the Boston Typothetæ, an association of master printers, and the Boston Typographical Union, No. 13, an organization of their employees, met by committees to consider the following demand of the wage earners: —

1. The abolition of all piece work.
2. All compositors, stone men, make-ups, etc., employed in book and job offices shall receive not less than \$18 for a week of fifty-four hours.
3. When paid by the hour, the price shall be 40 cents per hour for less than three days' work.
4. All Sunday and holiday work shall be paid for at the rate of double time for day and 80 cents per hour for night work.
5. All work done outside of regular hours scheduled by the office shall be paid for at overtime rates, viz., time and one-half.
6. All work after 12 P.M. until 7 A.M., double time.
7. Compositors working overtime shall be granted half an hour for supper, such half hour to be paid for as overtime.

On the 27th of December the State Board offered its services as mediator, in case pending negotiations should fail. On the 29th the union received the reply of the Typothetæ, as follows, being a vote passed on the 27th: —

First, — as to the Abolition of Piece Work. — As it is understood that no composition is done by the piece in book and job offices in Boston by men who are members of the union, it is decided that this matter requires no consideration at the present time.

Second, — as to an Increase in the Scale of Wages. — While in full sympathy with our employees in their desire to secure the best possible income, we consider the large increase proposed as impracticable. It should be remembered that during the years of depression through which we have recently passed the printers' trade was one of the few in which the employers were not forced to make a reduction in wages; and now, when a considerable increase of wages is being made in so many trades, this increase is practically but a return to those formerly received. Again, it is but a few months since the employing printers of Boston voluntarily reduced the number of working hours, thus increasing the cost of production fully 10 per cent. This increase it has not been possible as yet to transfer wholly to our customers, and any further increase must be borne, for a time at least, by the employers. Under the circumstances, desiring to meet our employees as liberally as possible, we will agree to a minimum scale of \$16 per week for journeymen.

In regard to section 3, it was voted that 33 cents per hour should be paid for short time work; that is, for time less than three days.

Sections 4, 5, 6 and 7 were accepted as presented.

The executive committee were instructed to transmit this official action of the Typothetæ to the Typographical Union as soon as possible.

The union replied on January 13, 1901, saying that the compromise offered by the employers' association was rejected. A larger body of employers was convened on the 15th, and passed the following vote, which was transmitted on the next day by the secretary of the Typothetæ: —

The master printers of Boston and vicinity, convened at the call of the Executive committee of the Boston Typothetæ for the purpose of considering the scale of prices proposed by Typographical Union, No. 13, learn with regret the decision of said union that the only terms it will accept are a minimum of \$18 per week and the abolition of all piece work; and believing, after the most careful consideration of the subject, that the employing printers cannot accede to these demands and remain solvent, and that the proposition of the Boston Typothetæ of a minimum rate of \$16 is

all that the present condition of business will warrant, and that the same is just and equitable, we hereby endorse said proposition, and agree each with the other to resist the demands for a higher rate or the enforcement of other conditions.

The workmen's agent thereupon sent the following reply : —

Boston, January 16, 1901.

Mr. L. A. WYMAN, *Secretary Boston Typothetæ.*

DEAR SIR : — Your letter of even date received, and contents noted. As it appears that our scale committee can do no further business with the Typothetæ, the scale has been placed in the hands of Mr. Henry McMahon, district organizer of the International Typographical Union, who will have full charge of the matter from this time.

Mr. McMahon will probably call upon you to-morrow.

Very truly yours,

CHARLES T. TENNEY, *Secretary Scale Committee.*

On that day also the State Board renewed its offer of assistance. Within the next six days there were five conferences between members of the Typothetæ and other master printers on the one side, and officers of the International Typographical Union on the other. On the 23d the employers' representatives made the following offer : —

Boston, January 23, 1901.

Mr. JAMES M. LYNCH, *President International Typographical Union.*

DEAR SIR : — At a meeting of the employing printers of Boston, called this day for the purpose, the following proposition was authorized : —

1. A minimum rate of \$16 per week for one year from date of agreement.
2. A minimum rate of \$16.50 per week for journeymen compositors for two years following.
3. A piece work rate of 35 cents per thousand ems for all compositors, men and women, for the full three years from date of agreement.

Respectfully yours,

J. S. CUSHING, *President.*

The Boston Typographical Union took action on the same day, accepted the offer as understood at their meeting, and the controversy was regarded as settled. It appeared that nothing remained but to draw up a formal agreement. On January 28, committees representing the respective parties met for the purpose of arranging details, when a misunderstanding arose concerning the status of women receiving weekly wages. The employees claimed and the employers denied, that women were to be placed on equal footing with men compositors. The controversy was thereupon reopened, and a strike was seriously threatened, in about 300 printing establishments, involving nearly 3,000 employees. During the first week of February the employers had interviews with the officers of the International Typographical Union, but no agreement was reached. Mr. Henry McMahon, organizer for that body, stated that the employees understood the agreement of January 23 to mean that the \$16 and \$16.50 weekly scale should apply to all journeymen and to women who are members of the union, but not necessarily to women who are not members of the union. The following correspondence explains the attitude of the parties to each other at this stage of the controversy : —

Boston, February 8, 1901.

Mr. A. G. DAVIS, *Secretary Boston Typographical Union.*

DEAR SIR : — A special meeting of the Boston Typothetæ and employing printers was held yesterday. The scale of prices submitted by your committee was approved, with the exception of the words "and to women who are members of the union." These words were struck out from the fourth line, according to the sheet herein enclosed, it being understood that journeymen compositors are men. The proposition made by us to Mr. Lynch, and by him presented and advocated at your special meeting, and duly approved and adopted by your body, is therefore reaffirmed, and if an agree-

ment is reached, it is to go into effect upon the date that said agreement is signed. It is hoped that your organization will confirm its former decision, and that we may hear from you next week.

Yours truly,

L. A. WYMAN, *Secretary Boston Typothetæ.*

Boston, February 8, 1901.

Mr. L. A. WYMAN, *Secretary Boston Typothetæ.*

DEAR SIR: — I am in receipt of your favor of even date, notifying me of the action of the Boston Typothetæ and employing printers, held yesterday. I regret very much that such action was taken, as your body must have known that Boston Typographical Union was in honor bound to stand by the weakest of its members. As I have said several times before, the union ratified the proposition submitted by International President Lynch with the distinct understanding that the time scale applied to all members of the union, male or female. Furthermore, the interpretation of the scale as submitted to the Typothetæ imposes no hardship on any employing printer in Boston, and does not materially change existing conditions. It seems to me that Typographical Union 13 has exhausted every honorable means of reaching a peaceful settlement of the question at issue, and that the Typothetæ is responsible for any future action which may be taken.

Sincerely yours,

A. G. DAVIS, *Secretary Boston Typographical Union 13.*

On the employers' side it was contended that women rarely gave more than two or three years to typesetting, and therefore could not do so well as men who had devoted their whole lives to the occupation, and that the effect of putting them on an equal footing with men would be to exclude them from the chapels. Several members of the Typothetæ consulted the Board, with a view to requesting its mediation in the event of a strike. The men of the union declared that they could not accept any settlement that did not secure the equal rights of female members.

On February 10, 1901, a strike was voted by the union,

in case of further delay on the part of the employers to acquiesce in the terms of January 23 as understood by the union, and the strike was to go into effect when declared by a strike committee. Arrangements were made for declaring a strike on the 11th, but the strike was delayed, on receipt of a request from one of the master printers. Subsequently on that day the master printers held a meeting and voted to accept the union's interpretation. Representatives of both sides thereupon met by appointment, and signed the agreement of January 23, as modified by the union.

The foregoing annual report is respectfully submitted.

WARREN A. REED,
RICHARD P. BARRY,
CHARLES DANA PALMER,

State Board of Arbitration and Conciliation.

Boston, February 19, 1901.

APPENDIX.

1. The first part of the document is a list of the names of the persons who were present at the meeting.

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APPENDIX.

In 1886 Massachusetts and New York established state boards of arbitration.

A statute of the United States, enacted in 1888, provided for the settlement of controversies between railroads and their employees through the services of special temporary tribunals known as "boards of arbitration or commission." To form a board of arbitration each party in interest chose a member, and the two members chose a third for chairman; but when the commission was formed the President of the United States appointed two members to act with the Commissioner of Labor, who was chairman *ex officio*. Such a commission in 1894, reporting on the Chicago Strike, recommended changes in the law, and suggested to the states "the adoption of some system of conciliation and arbitration like that in use in the Commonwealth of Massachusetts." In 1898 the law was repealed, its essential provisions were re-enacted and procedure was specified with greater elaboration. The statute of 1898 requires the Chairman of the Interstate Commerce Commission and the Commissioner of Labor to mediate in one way or another between the parties with a view to inducing them either to terminate their controversy by agreement or to refer it to the board of arbitration. The board of arbitration, as under the former act, is constituted in the usual way; but when five days elapse without choice of a third member, the

duty of making such a choice devolves upon the two mediators above mentioned.

Twenty-four states in the union have thus far made constitutional or statutory provision for mediation of one kind or another in the settlement of industrial disputes. Of these the statutes of the following seventeen contemplate the administration of conciliation and arbitration laws through permanent state boards: Massachusetts, New York, Montana, Michigan, California, New Jersey, Ohio, Louisiana, Wisconsin, Minnesota, Connecticut, Illinois, Utah, Indiana, Idaho, Colorado and Kansas.

The constitution of Wyoming directs the legislature to establish courts of arbitration to determine all differences between associations of laborers and their employers, and provides for appeals to the supreme court of the state from the decisions of compulsory boards of arbitration.

Kansas was the first state to enact compulsory arbitration in creating the court of visitation in 1898. In the following year a federal court declared the enactments an attempt to confer inconsistent legislative and judicial powers upon the same body, concerning the same subject matter, and decided that the statutes were violative of the state constitution and wholly void, or void in part; but deemed it unnecessary to determine whether that body might still have and exercise the legislative and administrative powers contemplated. The power to settle strikes in the way prescribed was not considered. (See Appendix to our fourteenth annual report.) In 1900 the supreme court of Kansas (*State v. Johnson*) annulled the act which created the court of visitation, for the reason that the legislative, judicial and administrative functions were commingled and interwoven together

in a manner violative of the constitutional requirement that the three great departments of government shall be kept separate, and the powers and duties of each exercised independently of the others. The chief justice dissented.

The laws of Kansas, Iowa, Pennsylvania and Texas authorize the law courts to appoint tribunals of voluntary arbitration; and such is the law of Maryland also, which, moreover, empowers the Board of Public Works to investigate industrial controversies when the employer is a corporation, indebted to, or incorporated by, that state; to propose arbitration to the opposing parties, and if the proposition is accepted, to provide in due form for referring the case; but if either party refuse to submit to arbitration, it becomes the duty of the Board of Public Works to ascertain the cause of the controversy and report the same to the next legislature.

The law of Missouri authorizes the Commissioner of Labor Statistics to form local boards of arbitration, and, as in North Dakota, to mediate between employer and employed, if requested to do so by either, whenever a difference exists which results or threatens to result in a strike or lockout. In Nebraska it is the duty of such officer to examine into the causes of strikes and lockouts.

Following are laws, etc., relating to mediation in industrial controversies:—

UNITED STATES.

[Public Laws, 1898.]

Chap. 370.—An Act Concerning carriers engaged in interstate commerce and their employees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of this Act shall apply to any common carrier or carriers and their officers, agents, and employees, except masters of vessels and seamen, as defined in section forty-six hundred and twelve, Revised Statutes of the United States, engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water, for a continuous carriage or shipment, from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States.

The term "railroad" as used in this Act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "transportation" shall include all instrumentalities of shipment or carriage.

The term "employees" as used in this Act shall include all persons actually engaged in any capacity in train operation or train service of any description, and notwithstanding that the cars upon or in which they are employed may be held and operated by the carrier under lease or other contract: *Provided, however,* That this Act shall not be held to apply to employees of street railroads and shall apply only to employees engaged in railroad train service. In every such case the carrier shall be responsible for the acts and defaults of such employees in the same manner and to the same extent as if said cars were owned by it and said employees directly employed by it, and any provisions to the contrary of any such lease or other contract shall be binding only as between the parties thereto and shall not affect the obligations of said carrier either to the public or to the private parties concerned.

SEC. 2. Whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between a car-

rier subject to this Act and the employees of such carrier, seriously interrupting or threatening to interrupt the business of said carrier, the chairman of the Interstate Commerce Commission and the Commissioner of Labor shall, upon the request of either party to the controversy, with all practicable expedition, put themselves in communication with the parties to such controversy, and shall use their best efforts, by mediation and conciliation, to amicably settle the same; and if such efforts shall be unsuccessful, shall at once endeavor to bring about an arbitration of said controversy in accordance with the provisions of this Act.

SEC. 8. Whenever a controversy shall arise between a carrier subject to this Act and the employees of such carrier which cannot be settled by mediation and conciliation in the manner provided in the preceding section, said controversy may be submitted to the arbitration of a board of three persons, who shall be chosen in the manner following: One shall be named by the carrier or employer directly interested; the other shall be named by the labor organization to which the employees directly interested belong, or, if they belong to more than one, by that one of them which specially represents employees of the same grade and class and engaged in services of the same nature as said employees so directly interested: *Provided, however,* That when a controversy involves and affects the interests of two or more classes and grades of employees belonging to different labor organizations, such arbitrator shall be agreed upon and designated by the concurrent action of all such labor organizations; and in cases where the majority of such employees are not members of any labor organization, said employees may by a majority vote select a committee of their own number, which committee shall have the right to select the arbitrator on behalf of said employees. The two thus chosen shall select the third commissioner of arbitration; but, in the event of their failure to name such arbitrator within five days after their first meeting, the third arbitrator shall be named by the commissioners named in the preceding section. A majority of said arbitrators shall be competent to make a valid and binding award under the provisions hereof. The submission shall be in writing, shall be signed by the employer and by the labor organization representing the employees, shall specify the time and place of meeting of said board of arbitration, shall state the questions to be decided, and shall contain appropriate provisions by which the respective parties shall stipulate, as follows:

First. That the board of arbitration shall commence their hearings within ten days from the date of the appointment of the third arbitrator, and shall find and file their award, as provided in this section, within thirty days from the date of the appointment of the third arbitrator; and that pending the arbitration the status existing immediately prior to the dispute shall not be changed: *Provided*, That no employee shall be compelled to render personal service without his consent.

Second. That the award and the papers and proceedings, including the testimony relating thereto certified under the hands of the arbitrators and which shall have the force and effect of a bill of exceptions, shall be filed in the clerk's office of the circuit court of the United States for the district wherein the controversy arises or the arbitration is entered into, and shall be final and conclusive upon both parties, unless set aside for error of law apparent on the record.

Third. That the respective parties to the award will each faithfully execute the same, and that the same may be specifically enforced in equity so far as the powers of a court of equity permit: *Provided*, That no injunction or other legal process shall be issued which shall compel the performance by any laborer against his will of a contract for personal labor or service.

Fourth. That employees dissatisfied with the award shall not by reason of such dissatisfaction quit the service of the employer before the expiration of three months from and after the making of such award without giving thirty days' notice in writing of their intention so to quit. Nor shall the employer dissatisfied with such award dismiss any employee or employees on account of such dissatisfaction before the expiration of three months from and after the making of such award without giving thirty days' notice in writing of his intention so to discharge.

Fifth. That said award shall continue in force as between the parties thereto for the period of one year after the same shall go into practical operation, and no new arbitration upon the same subject between the same employer and the same class of employees shall be had until the expiration of said one year if the award is not set aside as provided in section four. That as to individual employees not belonging to the labor organization or organizations which shall enter into the arbitration, the said arbitration and the award made therein shall not be binding, unless the said individual employees shall give assent in writing to become parties to said arbitration.

SEC. 4. The award being filed in the clerk's office of a circuit court of the United States, as hereinbefore provided, shall go into practical operation, and judgment shall be entered thereon accordingly at the expiration of ten days from such filing, unless within such ten days either party shall file exceptions thereto for matter of law apparent upon the record, in which case said award shall go into practical operation and judgment be entered accordingly when such exceptions shall have been finally disposed of either by said circuit court or on appeal therefrom.

At the expiration of ten days from the decision of the circuit court upon exceptions taken to said award, as aforesaid, judgment shall be entered in accordance with said decision unless during said ten days either party shall appeal therefrom to the circuit court of appeals. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said exceptions and to be decided.

The determination of said circuit court of appeals upon said questions shall be final, and being certified by the clerk thereof to said circuit court, judgment pursuant thereto shall thereupon be entered by said circuit court.

If exceptions to an award are finally sustained, judgment shall be entered setting aside the award. But in such case the parties may agree upon a judgment to be entered disposing of the subject-matter of the controversy, which judgment when entered shall have the same force and effect as judgment entered upon an award.

SEC. 5. For the purposes of this Act the arbitrators herein provided for, or either of them, shall have power to administer oaths and affirmations, sign subpoenas, require the attendance and testimony of witnesses, and the production of such books, papers, contracts, agreements, and documents material to a just determination of the matters under investigation as may be ordered by the court; and may invoke the aid of the United States courts to compel witnesses to attend and testify and to produce such books, papers, contracts, agreements and documents to the same extent and under the same conditions and penalties as is provided for in the Act to regulate commerce, approved February fourth, eighteen hundred and eighty-seven, and the amendments thereto.

SEC. 6. Every agreement of arbitration under this act shall be acknowledged by the parties before a notary public or clerk

of a district or circuit court of the United States, and when so acknowledged a copy of the same shall be transmitted to the chairman of the Interstate Commerce Commission, who shall file the same in the office of said commission.

Any agreement of arbitration which shall be entered into conforming to this Act, except that it shall be executed by employees individually instead of by a labor organization as their representative, shall, when duly acknowledged as herein provided, be transmitted to the chairman of the Interstate Commerce Commission, who shall cause a notice in writing to be served upon the arbitrators, fixing a time and place for a meeting of said board, which shall be within fifteen days from the execution of said agreement of arbitration: *Provided, however,* That the said chairman of the Interstate Commerce Commission shall decline to call a meeting of arbitrators under such agreement unless it be shown to his satisfaction that the employees signing the submission represent or include a majority of all employees in the service of the same employer and of the same grade and class, and that an award pursuant to said submission can justly be regarded as binding upon all such employees.

SEC. 7. During the pendency of arbitration under this Act it shall not be lawful for the employer, party to such arbitration, to discharge the employees, parties thereto, except for inefficiency, violation of law, or neglect of duty; nor for the organization representing such employees to order, nor for the employees to unite in, aid, or abet, strikes against said employer; nor, during a period of three months after an award under such an arbitration, for such employer to discharge any such employees, except for the causes aforesaid, without giving thirty days' written notice of an intent so to discharge; nor for any of such employees, during a like period, to quit the service of said employer without just cause, without giving to said employer thirty days' written notice of an intent so to do; nor for such organization representing such employees to order, counsel, or advise otherwise. Any violation of this section shall subject the offending party to liability for damages: *Provided,* That nothing herein contained shall be construed to prevent any employer, party to such arbitration, from reducing the number of its or his employees whenever in its or his judgment business necessities require such reduction.

SEC. 8. In every incorporation under the provisions of chapter five hundred and sixty-seven of the United States Statutes

of eighteen hundred and eighty-five and eighteen hundred and eighty-six it must be provided in the articles of incorporation and in the constitution, rules, and by-laws that a member shall cease to be such by participating in or by instigating force or violence against persons or property during strikes, lockouts, or boycotts, or by seeking to prevent others from working through violence, threats, or intimidations. Members of such incorporations shall not be personally liable for the acts, debts, or obligations of the corporations, nor shall such corporations be liable for the acts of members or others in violation of law; and such corporations may appear by designated representatives before the board created by this Act, or in any suits or proceedings for or against such corporations or their members in any of the Federal courts.

SEC. 9. Whenever receivers appointed by Federal courts are in the possession and control of railroads, the employees upon such railroads shall have the right to be heard in such courts upon all questions affecting the terms and conditions of their employment, through the officers and representatives of their associations, whether incorporated or unincorporated, and no reduction of wages shall be made by such receivers without the authority of the court therefor upon notice to such employees, said notice to be not less than twenty days before the hearing upon the receivers' petition or application, and to be posted upon all customary bulletin boards along or upon the railway operated by such receiver or receivers.

SEC. 10. Any employer subject to the provisions of this Act and any officer, agent, or receiver of such employer who shall require any employee, or any person seeking employment, as a condition of such employment, to enter into an agreement, either written or verbal, not to become or remain a member of any labor corporation, association, or organization; or shall threaten any employee with loss of employment, or shall unjustly discriminate against any employee because of his membership in such a labor corporation, association, or organization; or who shall require any employee or any person seeking employment, as a condition of such employment, to enter into a contract whereby such employee or applicant for employment shall agree to contribute to any fund for charitable, social, or beneficial purposes; to release such employer from legal liability for any personal injury by reason of any benefit received from such fund beyond the proportion of the benefit

arising from the employer's contribution to such fund ; or who shall, after having discharged an employee, attempt or conspire to prevent such employee from obtaining employment, or who shall, after the quitting of an employee, attempt or conspire to prevent such employee from obtaining employment, is hereby declared to be guilty of a misdemeanor, and, upon conviction thereof in any court of the United States of competent jurisdiction in the district in which such offense was committed, shall be punished for each offense by a fine of not less than one hundred dollars and not more than one thousand dollars.

SEC. 11. Each member of said board of arbitration shall receive a compensation of ten dollars per day for the time he is actually employed, and his traveling and other necessary expenses ; and a sum of money sufficient to pay the same, together with the traveling and other necessary and proper expenses of any conciliation or arbitration had hereunder, not to exceed ten thousand dollars in any one year, to be approved by the chairman of the Interstate Commerce Commission and audited by the proper accounting officers of the Treasury, is hereby appropriated for the fiscal years ending June thirtieth, eighteen hundred and ninety-eight, and June thirtieth, eighteen hundred and ninety-nine, out of any money in the Treasury not otherwise appropriated.

SEC. 12. The Act to create boards of arbitration or commission for settling controversies and differences between railroad corporations and other common carriers engaged in interstate or territorial transportation of property or persons and their employees, approved October first, eighteen hundred and eighty-eight, is hereby repealed.

Approved, June 1, 1898.

MASSACHUSETTS.

The law of the state concerning arbitration is as follows, being chapter 263 of the Acts of 1886, approved June 2, entitled, "An Act to provide for a State Board of Arbitration, for the settlement of differences between employers and their employees," as amended by St. 1887, chapter 269 ; St. 1888, chapter 261 ; and St. 1890, chapter 385 ; also St. 1892, chapter 382.

SECTION 1. The governor, with the advice and consent of the council, shall, on or before the first day of July in the year eighteen hundred and eighty-six, appoint three competent persons to serve as a state board of arbitration and conciliation in the manner hereinafter provided. One of them shall be an employer or selected from some association representing employers of labor, one of them shall be selected from some labor organization and not an employer of labor, the third shall be appointed upon the recommendation of the other two: *provided, however,* that if the two appointed do not agree on the third man at the expiration of thirty days, he shall then be appointed by the governor. They shall hold office for one year or until their successors are appointed. On the first day of July in the year eighteen hundred and eighty-seven the governor, with the advice and consent of the council, shall appoint three members of said board in the manner above provided, one to serve for three years, one for two years and one for one year, or until their respective successors are appointed; and on the first day of July in each year thereafter the governor shall in the same manner appoint one member of said board to succeed the member whose term then expires, and to serve for the term of three years or until his successor is appointed. If a vacancy occurs at any time, the governor shall in the same manner appoint some one to serve out the unexpired term; and he may in like manner remove any member of said board. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge thereof. They shall at once organize by the choice of one of their number as chairman. Said board may appoint and remove a clerk of the board, who shall receive such salary as may be allowed by the board, but not exceeding twelve hundred dollars a year.

SECT. 2. The board shall, as soon as possible after its organization, establish such rules of procedure as shall be approved by the governor and council.

SECT. 3. Whenever any controversy or difference not involving questions which may be the subject of a suit at law or bill in equity, exists between an employer, whether an individual, copartnership or corporation, and his employees, if at the time he employs not less than twenty-five persons in the same general line of business in any city or town in this Commonwealth, the board shall, upon application as hereinafter pro-

vided, and as soon as practicable thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the said board shall cause a copy thereof to be filed with the clerk of the city or town where said business is carried on.

SECT. 4. Said application shall be signed by said employer or by a majority of his employees in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work without any lock-out or strike until the decision of said board, if it shall be made within three weeks of the date of filing said application. When an application is signed by an agent claiming to represent a majority of such employees, the board shall satisfy itself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving such authority shall be kept secret by said board. As soon as may be after the receipt of said application the secretary of said board shall cause public notice to be given of the time and place for the hearing thereon; but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order; and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request.

When notice has been given as aforesaid, each of the parties to the controversy, the employer on the one side, and the employees interested on the other side, may in writing nominate, and the board may appoint, one person to act in the case as expert assistant to the board. The two persons so appointed shall be skilled in and conversant with the business or trade concerning which the dispute has arisen. It shall be their duty, under the direction of the board, to obtain and report to the

board information concerning the wages paid and the methods and grades of work prevailing in manufacturing establishments within the Commonwealth of a character similar to that in which the matters in dispute have arisen. Said expert assistants shall be sworn to the faithful discharge of their duty; such oath to be administered by any member of the board, and a record thereof shall be preserved with the record of the proceedings in the case. They shall be entitled to receive from the treasury of the Commonwealth such compensation as shall be allowed and certified by the board, together with all necessary travelling expenses.* Nothing in this act shall be construed to prevent the board from appointing such other additional expert assistant or assistants as it may deem necessary. Should the petitioner or petitioners fail to perform the promise made in said application, the board shall proceed no further thereupon without the written consent of the adverse party. The board shall have power to summon as witness any operative in the departments of business affected and any person who keeps the records of wages earned in those departments, and to examine them under oath, and to require the production of books containing the record of wages paid. Summonses may be signed and oaths administered by any member of the board.

SECT. 5. Upon the receipt of such application and after such notice, the board shall proceed as before provided, and render a written decision, which shall be open to public inspection, shall be recorded upon the records of the board, and published at the discretion of the same in an annual report to be made to the general court on or before the first day of February in each year.

SECT. 6. Said decision shall be binding upon the parties who join in said application for six months, or until either party has given the other notice in writing of his intention not to be bound by the same at the expiration of sixty days therefrom. Said notice may be given to said employees by posting the same in three conspicuous places in the shop or factory where they work.

SECT. 7. The parties to any controversy or difference as described in section three of this act may submit the matters in dispute, in writing, to a local board of arbitration and concilia-

* See further as to experts, their duties and compensation, St. 1892, c. 382, *post*.

tion; such board may either be mutually agreed upon, or the employer may designate one of the arbitrators, the employees or their duly authorized agent another, and the two arbitrators so designated may choose a third, who shall be chairman of the board. Such board shall, in respect to the matters referred to it, have and exercise all the powers which the state board might have and exercise, and its decision shall have whatever binding effect may be agreed by the parties to the controversy in the written submission. The jurisdiction of such board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the state board. The decision of such board shall be rendered within ten days of the close of any hearing held by it; such decision shall at once be filed with the clerk of the city or town in which the controversy or difference arose, and a copy thereof shall be forwarded to the state board. Each of such arbitrators shall be entitled to receive from the treasury of the city or town in which the controversy or difference that is the subject of the arbitration exists, if such payment is approved in writing by the mayor of such city or the board of selectmen of such town, the sum of three dollars for each day of actual service, not exceeding ten days for any one arbitration. Whenever it is made to appear to the mayor of a city or the board of selectmen of a town that a strike or lock-out such as described in section eight of this act is seriously threatened or actually occurs, the mayor of such city or the board of selectmen of such town shall at once notify the state board of the facts.

SECT. 8. Whenever it shall come to the knowledge of the state board, either by notice from the mayor of a city or the board of selectmen of a town, as provided in the preceding section or otherwise, that a strike or lock-out is seriously threatened or has actually occurred in any city or town of the Commonwealth, involving an employer and his present or past employees, if at the time he is employing, or up to the occurrence of the strike or lock-out was employing, not less than twenty-five persons in the same general line of business in any city or town in the Commonwealth, it shall be the duty of the state board to put itself in communication as soon as may be with such employer and employees, and endeavor by mediation to effect an amicable settlement between them, or to endeavor to persuade them, provided that a strike or lock-out has not

actually occurred or is not then continuing, to submit the matters in dispute to a local board of arbitration and conciliation, as above provided, or to the state board; and said state board may, if it deems it advisable, investigate the cause or causes of such controversy, and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes, and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given it by section three of this act.

SECT. 9. Witnesses summoned by the state board shall be allowed the sum of fifty cents for each attendance, and the further sum of twenty-five cents for each hour of attendance in excess of two hours, and shall be allowed five cents a mile for travel each way from their respective places of employment or business to the place where the board is in session. Each witness shall certify in writing the amount of his travel and attendance, and the amount due him shall be paid forthwith by the board, and for such purpose the board shall be entitled to draw from the treasury of the Commonwealth, as provided for in chapter one hundred and seventy-nine of the acts of the year eighteen hundred and eighty-four.

SECT. 10. The members of said state board shall until the first day of July in the year eighteen hundred and eighty-seven be paid five dollars a day each for each day of actual service; and on and after said date they shall each receive a salary at the rate of two thousand dollars a year, to be paid out of the treasury of the Commonwealth; and both before and after said date they shall be allowed their necessary travelling and other expenses, which shall be paid out of the treasury of the Commonwealth.

[ST. 1892, CHAPTER 382.]

An Act relating to the duties and compensation of expert assistants appointed by the state board of arbitration and conciliation.

Be it enacted, etc., as follows:

SECTION 1. In all controversies between an employer and his employees in which application is made to the state board of arbitration and conciliation, as provided by section four of chapter two hundred and sixty-three of the acts of the year eighteen

hundred and eighty-six as amended by section three of chapter two hundred and sixty-nine of the acts of the year eighteen hundred and eighty-seven, and by section one of chapter three hundred and eighty-five of the acts of the year eighteen hundred and ninety, said board shall appoint a fit person to act in the case as expert assistant to the board. Said expert assistants shall attend the sessions of said board when required, and no conclusion shall be announced as a decision of said board, in any case where such assistants have acted, until after notice given to them, by mail or otherwise, appointing a time and place for a final conference between said board and expert assistant on the matters included in the proposed decision. Said expert assistants shall be privileged to submit to the board, at any time before a final decision shall be determined upon and published, any facts, advice, arguments or suggestions which they may deem applicable to the case. They shall be sworn to the faithful discharge of their duties by any member of said board, and a record thereof shall be preserved with the record of the proceedings in the case. They shall be entitled to receive for their services from the treasury of the Commonwealth the sum of seven dollars for each day of actual service, together with all their necessary traveling expenses.

SECT. 2. This act shall take effect upon its passage. [Approved June 15, 1892.

NEW YORK.

A state board of arbitration was established in 1886, to decide appeals from such temporary boards as might be formed in special cases when that mode of settlement had been resorted to by the parties in interest. In 1887 it was given concurrent jurisdiction, and, for the purpose of inducing agreements, mediation was added to its functions. From 1897 the state board of mediation and arbitration acted under chapter 415 of the laws of that year, known as the labor law (which was a revision and consolidation of previous enactments, being chapter XXXII of the General Laws), until February 7, 1901 (chapter 9), when a department of labor was created in three bureaus: for factory inspection, for labor statistics and

for mediation and arbitration. The affairs of the first two bureaus are each administered by a deputy appointed and removable at pleasure by the commissioner of labor.

The head of the department has special charge of the bureau of mediation and arbitration, and for such functions has for assessors the two deputy commissioners. These three constitute the board to which the following provisions of article X of the Labor Law now refer: —

§ 142. **Arbitration by the board.** — A grievance or dispute between an employer and his employees may be submitted to the board of arbitration and mediation for their determination and settlement. Such submission shall be in writing, and contain a statement in detail of the grievance or dispute and the cause thereof, and also an agreement to abide the determination of the board, and during the investigation to continue in business or at work, without a lock-out or strike.

Upon such submission the board shall examine the matter in controversy. For the purpose of such inquiry they may subpoena witnesses, compel their attendance and take and hear testimony. Witnesses shall be allowed the same fees as in courts of record. The decision of the board must be rendered within ten days after the completion of the investigation.

§ 143. **Mediation in case of strike or lock-out.** — Whenever a strike or lock-out occurs or is seriously threatened, the board shall proceed as soon as practicable to the locality thereof, and endeavor, by mediation, to effect an amicable settlement of the controversy. It may inquire into the cause thereof, and for that purpose has the same power as in the case of a controversy submitted to it for arbitration.

§ 144. **Decisions of board.** — Within ten days after the completion of every examination or investigation authorized by this article, the board or majority thereof shall render a decision, stating such details as will clearly show the nature of the controversy and the points disposed of by them, and make a written report of their findings of fact and of their recommendations to each party to the controversy.

Every decision and report shall be filed in the office of the board and a copy thereof served upon each party to the controversy, and in case of a submission to arbitration, a copy shall

be filed in the office of the clerk of the county or counties where the controversy arose.

§ 145. **Annual report.** — The board shall make an annual report to the legislature, and shall include therein such statements and explanations as will disclose the actual work of the board, the facts relating to each controversy considered by them and the decision thereon, together with such suggestions as to legislation as may seem to them conducive to harmony in the relations of employers and employees.

§ 146. **Submission of controversies to local arbitrators.** — A grievance or dispute between an employer and his employee may be submitted to a board of arbitrators, consisting of three persons, for hearing and settlement. When the employee concerned are members in good standing of a labor organization, which is represented by one or more delegates in a central body, one arbitrator may be appointed by such central body and one by the employer. The two so designated shall appoint a third, who shall be chairman of the board.

If the employees concerned in such grievance or dispute are members of good standing of a labor organization which is not represented in a central body, the organization of which they are members may select and designate one arbitrator. If such employees are not members of a labor organization, a majority thereof, at a meeting duly called for that purpose, may designate one arbitrator for such board.

§ 147. **Consent; oath; powers of arbitrators.** — Before entering upon his duties, each arbitrator so selected shall sign a consent to act and take and subscribe an oath to faithfully and impartially discharge his duties as such arbitrator, which consent and oath shall be filed in the clerk's office of the county or counties where the controversy arose. When such board is ready for the transaction of business, it shall select one of its members to act as secretary, and notice of the time and place of hearing shall be given to the parties to the controversy.

The board may, through its chairman, subpoena witnesses, compel their attendance and take and hear testimony.

The board may make and enforce rules for its government and the transaction of the business before it, and fix its sessions and adjournments.

§ 148. **Decision of arbitrators.** — The board shall, within ten days after the close of the hearing, render a written decision, signed by them, giving such details as clearly show the nature of the controversy and the questions decided by them. Such decision shall be a settlement of the matter submitted to such arbitrators, unless within ten days thereafter an appeal is taken therefrom to the state board of mediation and arbitration.

One copy of the decision shall be filed in the office of the clerk of the county or counties where the controversy arose, and one copy shall be transmitted to the secretary of the state board of mediation and arbitration.

§ 149. **Appeals.** — The state board of mediation and arbitration shall hear, consider and investigate every appeal to it from any such board of local arbitrators, and its decisions shall be in writing and a copy thereof filed in the clerk's office of the county or counties where the controversy arose, and duplicate copies served upon each party to the controversy. Such decision shall be final and conclusive upon all parties to the arbitration.

MONTANA.

There was a law in Montana, approved Feb. 28, 1887, entitled "An Act to provide for a territorial board of arbitration for the settlement of differences between employers and employes." The Legislative Assembly of the territory on March 14, 1889, created a commission to codify laws and procedure, and to revise, simplify and consolidate statutes; and Montana became a state on November 8 of the same year.

The following is the law relating to arbitration of industrial disputes, as it appears in "The Codes and Statutes of Montana in force July 1, 1895."

THE POLITICAL CODE.

[Part III, Title VII, Chapter XIX.]

§ 3330. There is a state board of arbitration and conciliation consisting of three members, whose term of office is two

years and until their successors are appointed and qualified. The board must be appointed by the governor, with the advice and consent of the senate. If a vacancy occurs at any time the governor shall appoint some one to serve out the unexpired term, and he may in like manner remove any member of said board. [§ 3330. *Act approved March 15, 1895.*]

§ 3331. One of the board must be an employer, or selected from some association representing employers of labor; and one of them must be a laborer, or selected from some labor organization, and not an employer of labor, and the other must be a disinterested citizen.

§ 3332. The members of the board must, before entering upon the duties of their office, take the oath required by the constitution. They shall at once organize by the choice of one of their number as chairman. Said board may appoint and remove a clerk of the board, who shall receive such compensation as may be allowed by the board, but not exceeding five dollars per day for the time employed. The board shall, as soon as possible after its organization, establish such rules or modes of procedure as are necessary, subject to the approval of the governor. [§ 3332. *Act approved March 15, 1895.*]

§ 3333. Whenever any controversy or dispute, not involving questions which may be the subject of a civil action, exists between an employer (if he employs twenty or more in the same general line of business in the state) and his employees, the board must, on application as is hereinafter provided, visit the locality of the dispute and make inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done, by either or both, to adjust said dispute, and the board must make a written decision thereon. The decision must at once be made public, and must be recorded in a book kept by the clerk of the board, and a statement thereof published in the annual report, and the board must cause a copy thereof to be filed with the clerk of the county where the dispute arose.

§ 3334. The application to the board of arbitration and conciliation must be signed by the employer, or by a majority of his employees in the department of the business in which the controversy or difference exists, or their duly authorized agent or by both parties, and shall contain a concise statement of the

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grievances complained of, and a promise to continue on in business or at work without any lockout or strike until the decision of said board if it shall be made within four weeks of the date of filing said application. When an application is signed by an agent claiming to represent a majority of such employees, the board shall satisfy itself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving such authority shall be kept secret by said board; as soon as may be after the receipt of said application the secretary of said board shall cause public notice to be given for the time and place for the hearing thereon; but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given; when such request is made notice shall be given to the parties interested in such manner as the board may order; and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. When notice has been given as aforesaid, each of the parties to the controversy, the employer on one side, and the employees interested on the other side, may in writing nominate, and the board may appoint, one person to act in the case as expert assistant to the board.

The two persons so appointed shall be skilled in and conversant with the business or trade concerning which the dispute has arisen. It shall be their duty, under the direction of the board, to obtain and report to the board, information concerning the wages paid, the hours of labor and the methods and grades of work prevailing in manufacturing establishments, or other industries or occupations, within the state of a character similar to that in which the matters in dispute have arisen. Said expert assistants shall be sworn to the faithful discharge of their duty; such oath to be administered by any member of the board, and a record thereof shall be preserved with the record of the proceedings in the case. They shall be entitled to receive from the treasury of the state such compensation as shall be allowed and certified by the board not exceeding ——— dollars per day, together with all necessary traveling expenses. Nothing in this act shall be construed to prevent the board from appointing such other additional expert assistant or assistants as it may deem necessary, who shall be paid in like manner. Should the petitioner or petitioners fail to

perform the promise made in said application, the board shall proceed no further thereupon without the written consent of the adverse party. The board shall have power to summon as witness any operative or employe in the department of business affected and any person who keeps the records of wages earned in those departments, and to examine them under oath, and to require the production of books containing the record of wages paid. Summons may be signed and oaths administered by any member of the board. [§ 3334. *Act approved March 15, 1895.*]

§ 3335. Upon the receipt of such application and after such notice, the board shall proceed as before provided, and render a written decision, which shall be open to public inspection, shall be recorded upon the records of the board, and published at the discretion of the same in an annual report to be made to the governor on or before the first day of December in each year. [§ 3335. *Act approved March 15, 1895.*]

§ 3336. Any decision made by the board is binding upon the parties who join in the application for six months, or until either party has given the other notice in writing of his intention not to be bound by the same at the expiration of sixty days therefrom. The notice must be given to employes by posting the same in three conspicuous places in the shop, office, factory, store, mill, or mine where the employes work.

§ 3337. The parties to any controversy or difference as described in § 3333 of this code may submit the matters in dispute, in writing, to a local board of arbitration and conciliation; such board may be either mutually agreed upon, or the employer may designate one of the arbitrators, the employes, or their duly authorized agent, another, and the two arbitrators so designated may choose a third, who shall be chairman of the board. Such board shall, in respect to the matters referred to it, have and exercise all the powers which the state board might have and exercise, and its decision shall whatever binding effect may be agreed by the parties to the controversy in the written submission. The jurisdiction of such board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the state board. The decision of such board shall be rendered within ten days of the close of any hearing held by it; such decision shall at once be filed with the clerk of the county in which the controversy or

difference arose, and a copy thereof shall be forwarded to the state board and entered on its records. Each of such arbitrators shall be entitled to receive from the treasury of the county in which the controversy or difference that is the subject of the arbitration exists, if such payment shall be approved by the commissioners of said county, the sum of three dollars for each day of actual service, not exceeding ten days for any one arbitration.

Whenever it is made to appear to the mayor of any city or two commissioners of any county, that a strike or lockout such as described hereafter in this section is seriously threatened or actually occurs, the mayor of such city, or said commissioners of such county, shall at once notify the state board of the fact.

Whenever it shall come to the knowledge of the state board, either by notice from the mayor of a city, or two or more commissioners of a county, as provided in this section, or otherwise, that a strike or lockout is seriously threatened or has actually occurred in any city or county of this state, involving an employer and his present or past employes, if at the time he is employing or up to the occurrence of the strike or lockout was employing not less than twenty persons in the same general line of business in any city, town or county in this state, it shall be the duty of the state board to put itself in communication as soon as may be with such employer and employes, and endeavor by mediation to effect an amicable settlement between them, or to endeavor to persuade them, providing that a strike or lockout has not actually occurred or is not then continuing, to submit the matters in dispute to a local board of arbitration and conciliation as above provided, or to the state board; and said state board may, if it deems it advisable, investigate the cause or causes of such controversy, and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes, and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given it by § 3333 of this code.

Witnesses summoned by the state board shall be allowed the sum of fifty cents for each attendance, and the further sum of twenty-five cents for each hour of attendance in excess of two hours, and shall be allowed five cents a mile for travel each way from their respective places of employment or business to

the place where the board is in session. Each witness shall certify in writing the amount of his travel and attendance, and the amount due him shall be (see § 9 of Massachusetts act and make such provision as deemed best) certified to the state board of examiners for auditing, and the same shall be paid as other expenses of the state from any moneys in the state treasury. [§ 3337. *Act approved March 15, 1895.*]

§ 3338. The arbitrators hereby created must be paid five dollars for each day of actual service and their necessary traveling expenses and necessary books or record, to be paid out of the treasury of the state, as by law provided.



MICHIGAN.

[Public Acts, 1889, No. 238.]

An Act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employés, and to authorize the creation of a State court of mediation and arbitration.

SECTION 1. *The people of the State of Michigan enact, That whenever any grievance or dispute of any nature shall arise between any employer and his employés, it shall be lawful to submit the same in writing to a court of arbitrators for hearing and settlement, in the manner hereinafter provided.*

SEC. 2. After the passage of this act the Governor may, whenever he shall deem it necessary, with the advice and consent of the Senate, appoint a State court of mediation and arbitration, to consist of three competent persons, who shall hold their terms of office, respectively, one, two and three years, and upon the expiration of their respective terms the said term of office shall be uniformly for three years. If any vacancy happens by resignation or otherwise he shall, in the same manner, appoint an arbitrator for the residue of the term. If the Senate shall not be in session at the time any vacancy shall occur or exist, the Governor shall appoint an arbitrator to fill the vacancy, subject to the approval of the Senate when convened. Said court shall have a clerk or secretary, who shall be appointed by the court, to serve three years, whose duty it shall be to keep a full and faithful record of the proceedings of the court and also all documents, and to perform such other duties as the said

court may prescribe. He shall have power, under the direction of the court, to issue subpoenas, to administer oaths in all cases before said court, to call for and examine all books, papers and documents of any parties to the controversy, with the same authority to enforce their production as is possessed by the courts of record, or the judges thereof, in this State. Said arbitrators and clerk shall take and subscribe the constitutional oath of office, and be sworn to the due and faithful performance of the duties of their respective offices before entering upon the discharge of the same. An office shall be set apart in the capitol by the person or persons having charge thereof, for the proper and convenient transaction of the business of said court.

SEC. 3. Any two of the arbitrators shall constitute a quorum for the transaction of business, and may hold meetings at any time or place within the State. Examinations or investigations ordered by the court may be held and taken by and before any one of their number, if so directed. But the proceedings and decisions of any single arbitrator shall not be deemed conclusive until approved by the court or a majority thereof. Each arbitrator shall have power to administer oaths.

SEC. 4. Whenever any grievance or dispute of any nature shall arise between any employer and his employes, it shall be lawful for the parties to submit the same directly to said State court, and shall jointly notify said court or its clerk, in writing, of such grievance or dispute. Whenever such notification to said court or its clerk is given, it shall be the duty of said court to proceed, with as little delay as possible, to the locality of such grievance or dispute, and inquire into the cause or causes of grievance or dispute. The parties to the grievance or dispute shall thereupon submit to said court, in writing, succinctly, clearly and in detail, their grievances and complaints, and the cause or causes thereof, and severally agree in writing to submit to the decision of said court as to matters so submitted, and a promise or agreement to continue on in business or at work, without a lockout or strike, until the decision of said court, provided it shall be rendered within ten days after the completion of the investigation. The court shall thereupon proceed to fully investigate and inquire into the matters in controversy, and to take testimony, under oath, in relation thereto, and shall have power, by its chairman or clerk, to administer oaths, to issue subpoenas for the attendance of witnesses, the production of books and papers, to the same

extent as such power is possessed by courts of record, or the judges thereof, in this State.

SEC. 5. After the matter has been fully heard the said board, or majority of its members, shall, within ten days, render a decision thereon in writing, signed by them, or a majority of them, stating such details as will clearly show the nature of the decision and the points disposed of by them. The decision shall be in triplicate, one copy of which shall be filed by the clerk of the court in the clerk's office of the county where the controversy arose, and one copy shall be served on each of the parties to the controversy.

SEC. 6. Whenever a strike or lockout shall occur or is seriously threatened, in any part of the State, and shall come to the knowledge of the court, it shall be its duty, and it is hereby directed to proceed, as soon as practicable, to the locality of such strike or lockout and put itself in communication with the parties to the controversy, and endeavor by mediation to effect an amicable settlement of such controversy; and, if in its judgment it is deemed best, to inquire into the cause or causes of the controversy, and to that end the court is hereby authorized to subpoena witnesses, compel their attendance, and send for persons and papers, in like manner and with the same powers as it is authorized to do by section four of this act.

SEC. 7. The fees of witnesses shall be one dollar for each day's attendance, and seven cents per mile traveled by the nearest route in getting to and returning from the place where attendance is required by the court, to be allowed by the board of State auditors upon the certificate of the court. All subpoenas shall be signed by the secretary of the court, and may be served by any person of full age authorized by the court to serve the same.

SEC. 8. Said court shall make a yearly report to the Legislature, and shall include therein such statements, facts and explanations as will disclose the actual working of the court, and such suggestions as to legislation, as may seem to them conducive to harmonizing the relations of, and disputes between, employers and the wage-earning.

SEC. 9. Each arbitrator shall be entitled to five dollars per day for actual service performed, payable from the treasury of the State. The clerk or secretary shall be appointed from one of their number, and shall receive an annual salary not to ex-

ceed twelve hundred dollars, without per diem, per year, payable in the same manner.

SEC. 10. Whenever the term "employer" or "employers" is used in this act it shall be held to include "firm" "joint stock association," "company" or "corporation," as fully as if each of the last named terms was expressed in each place. [*Approved July 3, 1889.*]

CALIFORNIA.

An Act to provide for a State Board of Arbitration for the settlement of differences between employers and employés, to define the duties of said Board, and to appropriate the sum of twenty-five hundred dollars therefor.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. On or before the first day of May of each year, the Governor of the State shall appoint three competent persons to serve as a State Board of Arbitration and Conciliation. One shall represent the employers of labor, one shall represent labor employés, and the third member shall represent neither, and shall be Chairman of the Board. They shall hold office for one year and until their successors are appointed and qualified. If a vacancy occurs, as soon as possible thereafter the Governor shall appoint some one to serve the unexpired term; *provided, however,* that when the parties to any controversy or difference, as provided in section two of this Act, do not desire to submit their controversy to the State Board, they may by agreement each choose one person, and the two shall choose a third, who shall be Chairman and umpire, and the three shall constitute a Board of Arbitration and Conciliation for the special controversy submitted to it, and shall for that purpose have the same powers as the State Board. The members of the said Board or Boards, before entering upon the duties of their office, shall be sworn to faithfully discharge the duties thereof. They shall adopt such rules of procedure as they may deem best to carry out the provisions of this Act.

SEC. 2. Whenever any controversy or difference exists between an employer, whether an individual, copartnership, or corporation, which, if not arbitrated, would involve a strike or

lockout, and his employés, the Board shall, upon application, as hereinafter provided, and as soon as practicable thereafter, visit, if necessary, the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either, or both, to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the board.

SEC. 3. Said application shall be signed by said employer, or by a majority of his employés in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work, without any lockout or strike, until the decision of said Board, which must, if possible, be made within three weeks of the date of filing the application. Immediately upon the receipt of said application, the Chairman of said Board shall cause public notice to be given of the time and place for hearing. Should the petitioners fail to keep the promise made therein, the Board shall proceed no further thereupon without the written consent of the adverse party. And the party violating the contract shall pay the extra cost of the Board entailed thereby. The Board may then reopen the case and proceed to the final arbitration thereof as provided in section two hereof.

SEC. 4. The decision rendered by the Board shall be binding upon the parties who join in the application for six months, or until either party has given the other a written notice of his intention not to be further bound by the conditions thereof after the expiration of sixty days or any time agreed upon by the parties, which agreement shall be entered as a part of the decision. Said notice may be given to the employés by posting a notice thereof in three conspicuous places in the shop or factory where they work.

SEC. 5. Both employers and employés shall have the right at any time to submit to the Board complaints of grievances and ask for an investigation thereof. The Board shall decide whether the complaint is entitled to a public investigation, and if they decide in the affirmative, they shall proceed to hear the testimony, after giving notice to all parties concerned, and

publish the result of their investigations as soon as possible thereafter.

SEC. 6. The arbitrators hereby created shall be paid five dollars per day for each day of actual service, and also their necessary traveling and other expenses incident to the duties of their office shall be paid out of the State Treasury; but the expenses and salaries hereby authorized shall not exceed the sum of twenty-five hundred dollars for the two years.

SEC. 7. The sum of twenty-five hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the expenses of the Board for the first two years after its organization.

SEC. 8. This Act shall take effect and be in force from and after its passage. [*Approved March 10, 1891.*]

NEW JERSEY.

An Act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employees, and to authorize the creation of a state board of arbitration.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That whenever any grievance or dispute of any nature growing out of the relation of employer and employee shall arise or exist between employer and employees, it shall be lawful to submit all matters respecting such grievance or dispute, in writing, to a board of arbitrators, to hear, adjudicate and determine the same; said board shall consist of five persons; when the employees concerned in any such grievance or dispute as aforesaid are members in good standing of any labor organization, which is represented by one or more delegates in a central body, the said central body shall have power to designate two of said arbitrators; and the employer shall have the power to designate two others of said arbitrators, and the said four arbitrators shall designate a fifth person as arbitrator, who shall be chairman of the board; in case the employees concerned in any such grievance or dispute as aforesaid are members in good standing of a labor organization which is not represented in a central body, then the organization of which they are members shall have the power to select and designate two arbi-

trators for said board, and said board shall be organized as hereinbefore provided; and in case the employees concerned in any such grievance or dispute as aforesaid are not members of any labor organization, then a majority of said employees, at a meeting duly held for that purpose, shall designate two arbitrators for said board, and the said board shall be organized as hereinbefore provided.

2. *And be it enacted*, That any board as aforesaid selected may present a petition to the county judge of the county where such grievances or disputes to be arbitrated may arise, signed by at least a majority of said board, setting forth in brief terms the nature of the grievance or dispute between the parties to said arbitration, and praying the license or order of such judge establishing and approving said board of arbitration; upon the presentation of said petition it shall be the duty of the said judge to make an order establishing such board of arbitration and referring the matters in dispute to it for hearing, adjudication and determination; the said petition and order or a copy thereof shall be filed in the office of the clerk of the county in which the said judge resides.

3. *And be it enacted*, That the arbitrators so selected shall sign a consent to act as such, and shall take and subscribe an oath before an officer authorized to administer oaths, to faithfully and impartially discharge his duties as such arbitrator, which consent and oath shall be immediately filed in the office of the clerk of the county wherein such arbitrators are to act; when the said board is ready for the transaction of business, it shall select one of its members to act as secretary, and the parties to the dispute shall receive notice of a time and place of hearing; the chairman shall have power to administer oaths and to issue subpoenas for the production of books and papers, and for the attendance of witnesses, to the same extent that such power is possessed by the courts of records or the judges thereof in this state; the board may make and enforce the rules for its government and transaction of the business before it and fix its sessions and adjournments, and shall hear and examine such witnesses as may be brought before the board, and such other proof as may be given relative to the matters in dispute.

4. *And be it enacted*, That after the matter has been fully heard, the said board or a majority of its members shall within ten days render a decision thereon, in writing, signed by them,

giving such details as will clearly show the nature of the decision and the matters adjudicated and determined; such adjudication and determination shall be a settlement of the matter referred to said arbitrators, unless an appeal is taken therefrom as hereinafter provided; the adjudication and determination shall be in duplicate, one copy of which shall be filed in the office of the clerk of the county, and the other transmitted to the secretary of the state board of arbitration hereinafter mentioned, together with the testimony taken before said board.

5. *And be it enacted*, That when the said board shall have rendered its adjudication and determination its powers shall cease, unless there may be in existence at the time other similar grievances or disputes between the same classes of persons mentioned in section one, and in such case such persons may submit their differences to the said board, which shall have power to act and adjudicate and determine the same as fully as if said board was originally created for the settlement of such other difference or differences.

6. *And be it enacted*, That within thirty days after the passage of this act the governor shall appoint a state board of arbitration, to consist of three competent persons, each of whom shall hold his office for the term of five years; one of said persons shall be selected from a bona fide labor organization of this state. If any vacancy happens, by resignation or otherwise, the governor shall, in the same manner, appoint an arbitrator for the residue of the term; said board shall have a secretary, who shall be appointed by and hold office during the pleasure of the board and whose duty shall be to keep a full and faithful record of the proceedings of the board and also possession of all documents and testimony forwarded by the local boards of arbitration, and perform such other duties as the said board may prescribe; he shall have power, under the direction of the board, to issue subpoenas, to administer oaths in all cases before said board, to call for and examine books, papers and documents of any parties to the controversy, with the same authority to enforce their production as is possessed by the courts of record, or the judges thereof, in this state; said arbitrators of said state board and the clerk thereof shall take and subscribe the constitutional oath of office, and be sworn to the due and faithful performance of the duties of their respective offices before entering upon the discharge of the same; an office

shall be set apart in the capitol by the person having charge thereof, for the proper and convenient transaction of the business of said board.

7. *And be it enacted*, That an appeal may be taken from the decision of any local board of arbitration within ten days after the filing of its adjudication and determination of any case; it shall be the duty of the said state board of arbitration to hear and consider appeals from the decisions of local boards and promptly to proceed to the investigation of such cases, and the adjudication and determination of said board thereon shall be final and conclusive in the premises upon all parties to the arbitration; such adjudications and determinations shall be in writing, and a copy thereof shall be furnished to each party; any two of the state board of arbitrators shall constitute a quorum for the transaction of business, and may hold meetings at any time or place within the state; examinations or investigations ordered by the state board may be held and taken by and before any one of their number if so directed; but the proceedings and decision of any single arbitrator shall not be deemed conclusive until approved by the board or a majority thereof; each arbitrator shall have power to administer oaths.

8. *And be it enacted*, That whenever any grievance or dispute of any nature shall arise between any employer and his employees, it shall be lawful for the parties to submit the same directly to said state board in the first instance, in case such parties elect to do so, and shall jointly notify said board or its clerk, in writing, of such election; whenever such notification to said board or its clerk is given, it shall be the duty of said board to proceed, with as little delay as possible, to the locality of such grievance or dispute, and inquire into the cause or causes of grievance or dispute; the parties to the grievance or dispute shall thereupon submit to said board, in writing, succinctly, clearly and in detail, their grievances and complaints, and the cause or causes thereof, and severally agree, in writing, to submit to the decision of said board as to matters so submitted, and a promise or agreement to continue on in business or at work, without a lockout or strike until the decision of said board, provided it shall be rendered within ten days after the completion of the investigation; the board shall thereupon proceed to fully investigate and inquire into the matters in controversy, and to take testimony under oath in relation thereto,

and shall have power by its chairman or clerk, to administer oaths, to issue subpoenas for the attendance of witnesses, the production of books and papers, to the same extent as such power is possessed by courts of record, or the judges thereof, in this State.

9. *And be it enacted*, That after the matter has been fully heard, the said board, or a majority of its members, shall, within ten days, render a decision thereon in writing, signed by them or a majority of them, stating such details as will clearly show the nature of the decision, and the points disposed of by them; the decision shall be in triplicate, one copy of which shall be filed by the clerk of the board in the clerk's office of the county where the controversy arose, and one copy shall be served on each of the parties to the controversy.

10. *And be it enacted*, That whenever a strike or lockout shall occur or is seriously threatened in any part of the state, and shall come to the knowledge of the board, it shall be its duty, and it is hereby directed to proceed, as soon as practicable, to the locality of such strike or lockout and put itself in communication with the parties to the controversy, and endeavor by mediation to effect an amicable settlement of such controversy; and, if in its judgment it is deemed best, to inquire into the cause of the controversy, and to that end the board is hereby authorized to subpoena witnesses, compel their attendance, and send for persons and papers, in like manner and with the same powers as it is authorized to do by section eight of this act.

11. *And be it enacted*, That the fees of witnesses of aforesaid state board shall be fifty cents for each day's attendance and four cents per mile traveled by the nearest route in getting to or returning from the place where attendance is required by the board; all subpoenas shall be signed by the secretary of the board and may be served by any person of full age, authorized by the board to serve the same.

12. *And be it enacted*, That said board shall annually report to the legislature, and shall include in their report such statements, facts and explanations as will disclose the actual working of the board, and such suggestions with regard to legislation as may seem to them conducive to harmonizing the relations of and disputes between employers and employees, and the improvement of the present system of production by labor.

13. *And be it enacted*, That each arbitrator of the state board and the secretary thereof shall receive ten dollars for each and every day actually employed in the performance of his duties herein and actual expenses incurred, including such rates of mileage as are now provided by law, payable by the state treasurer on duly approved vouchers.

14. *And be it enacted*, That whenever the term "employer" or "employers" is used in this act it shall be held to include "firm," "joint stock association," "company," "corporation," or "individual and individuals," as fully as if each of said terms was expressed in each place.

15. *And be it enacted*, That this act shall take effect immediately. [*Approved March 24, 1892. P. L., Chap. 137.*]

A Supplement to an act entitled "An act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employees, and to authorize the creation of a state board of arbitration," approved March twenty-fourth, eighteen hundred and ninety-two, and to end the term of office of any person or persons appointed under this act.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Samuel S. Sherwood, William M. Doughty, James Martin, Charles A. Houston, Joseph L. Moore be and they are hereby constituted a board of arbitration, each to serve for the term of three years from the approval of this supplement, and that each arbitrator herein named shall receive an annual salary of twelve hundred dollars per annum, in lieu of all fees, per diem compensation and mileage, and one of said arbitrators shall be chosen by said arbitrators as the secretary of said board, and he shall receive an additional compensation of two hundred dollars per annum, the salaries herein stated to be payable out of moneys in the state treasury not otherwise appropriated.

2. *And be it enacted*, That in case of death, resignation or incapacity of any member of the board, the governor shall appoint, by and with the advice and consent of the senate, an arbitrator to fill the unexpired term of such arbitrator or arbitrators so dying, resigning or becoming incapacitated.

3. *And be it enacted*, That the term of office of the arbitra-

tors now acting as a board of arbitrators, shall, upon the passage of this supplement, cease and terminate, and the persons named in this supplement as the board of arbitrators shall immediately succeed to and become vested with all the powers and duties of the board of arbitrators now acting under the provisions of the act of which this act is a supplement.

4. *And be it enacted*, That after the expiration of the terms of office of the persons named in this supplement, the governor shall appoint by and with the advice and consent of the senate their successors for the length of term and at the salary named in the first section of this supplement.

5. *And be it enacted*, That this act shall take effect immediately. [*Approved March 25, 1895. P. L., Chap. 341.*]

OHIO.

On March 14, 1893, Ohio adopted a law providing for a State board of arbitration. The statute, as amended May 21, 1894, and April 27, 1896, is as follows:—

An Act to provide for a state board of arbitration for the settlement of differences between employers and their employes and to repeal an act entitled "An act to authorize the creation and to provide for the operation of tribunals of voluntary arbitration, to adjust industrial disputes between employers and employes," passed Feb. 10, 1885.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That within thirty days after the passage of this act, the governor of the state, with the advice and consent of the senate, shall appoint three competent persons to serve as a state board of arbitration and conciliation in the manner hereinafter provided. One of them shall be an employer or selected from some association representing employers of labor, one of them shall be an employe or an employee selected from some labor organization and not an employer of labor, and the third shall be appointed upon the recommendation of the other two; provided, however, that if the two appointed do not agree on the third man at the expiration of thirty days, he shall be appointed by the governor; and provided, also, that appointments made when the senate is not in session may be confirmed at the next ensuing session.

SECTION 2. One shall be appointed for one year, one for two years, and one for three years, and all appointments thereafter shall be for three years or until their respective successors are appointed in the manner above provided. If, for any reason a vacancy occurs at any time, the governor shall, in the same manner, appoint some person to serve out the unexpired term, and he may remove any member of said board.

SECTION 3. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge thereof. They shall organize at once by the choice of one of their number as chairman, and one of their number as secretary. The board shall, as soon as possible after its organization, establish such rules of procedure as shall be approved by the governor.

SECTION 4. Whenever any controversy or difference not involving questions which may be the subject of a suit or action in any court of the state exists between an employer (whether an individual, copartnership or corporation) and his employes, if, at the time he employs not less than twenty-five persons in the same general line of business in this state, the board shall, upon application as hereinafter provided and as soon as practical thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come, or be subpoenaed before them, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute. The term employer in this act includes several employers co-operating with respect to any such controversy or difference, and the term employes includes aggregations of employes of several employers so co-operating. And where any strike or lock-out extends to several counties, the expenses incurred under this act are not payable out of the state treasury, shall be apportioned among and paid by such counties as said board may deem equitable and may direct.

SECTION 5. Such mediation having failed to bring about an adjustment of the said differences, the board shall immediately make out a written decision thereon. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the said board shall cause a copy thereof to be filed with the clerk of the city or county where said business is carried on.

SECTION 6. Said application for arbitration and conciliation to said board can be made by either or both parties to the controversy ; and shall be signed in the respective instances by said employer or by a majority of his employees in the department of the business in which the controversy or difference exists, or the duly authorized agent of either or both parties. When an application is signed by an agent claiming to represent a majority of such employees, the board shall satisfy itself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving such authority shall be kept secret by said board.

SECTION 7. Said application shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work in the same manner as at the time of the application, without any lock-out or strike, until the decision of said board, if it shall be made within ten days of the date of filing said application ; provided, a joint application may contain a stipulation that the decision of the board under such joint application shall be binding upon the parties to the extent so stipulated, and such decision to such extent may be made and enforced as a rule of court in the court of common pleas of the county from which such joint application comes, as upon a statutory award.

SECTION 8. As soon as may be, after the receipt of said application, the secretary of said board shall cause public notice to be given of the time and place for the hearing therein, but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order, and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. Should the petitioner or petitioners fail to perform the promise made in said application, the board shall proceed no further therein without the written consent of the adverse party.

SECTION 9. The board shall have power to subpoena as witnesses any operative in the department of business affected, or other persons shown by affidavit, on belief, or otherwise, to have knowledge of the matters in controversy or dispute, and any who keeps the records of wages earned in such departments, and

examine them under oath touching such matters, and to require the production of books or papers containing the record of wages earned or paid. Subpoenas may be signed and oaths administered by any member of the board. A subpoena or any notice may be delivered or sent to any sheriff, constable or police officer, who shall forthwith serve or post the same, as the case may be, and make due return thereof according to directions, and for such service he shall receive the fees allowed by law in similar cases, payable from the treasurer of the county wherein the controversy to be arbitrated exists, upon the warrant of the county auditor, issued on the certificate of the board that such fees are correct and due. And the board shall have the same power and authority to maintain and enforce order at its hearings and obedience to its writs of subpoena as by law conferred on the court of common pleas for like purposes.

SECTION 10. The parties to any controversy or difference, as described in section 4 of this act, may submit the matters in dispute, in writing, to a local board of arbitration and conciliation; such board may either be mutually agreed upon, or the employer may designate one of the arbitrators, the employes or their duly authorized agent another, and the two arbitrators so designated may choose a third, who shall be chairman of the board.

SECTION 11. Such local board of arbitration shall, in respect to the matters referred to it, have and exercise all the powers which the state board might have and exercise, and its decision shall have whatever binding effect may be agreed by the parties to the controversy in the written submission. The jurisdiction of such local board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the state board. The decision of said board shall be rendered within ten days of the close of any hearing held by it; such decision shall at once be filed with the clerk of the city or county in which the controversy or difference arose, and a copy thereof shall be forwarded to the state board.

SECTION 12. Each of such arbitrators of such a local board shall be entitled to receive from the treasury of the city or county in which the controversy or difference, that is the subject of the arbitrators exists, if such payment is approved in writing by the city council or the administrative board of such city or board of county commissioners of such county, the sum of three dollars for each day of actual service, not exceeding ten days for any one arbitration.

SECTION 13. Whenever it is made to appear to a mayor or probate judge in this state that a strike or lockout is seriously threatened, or has actually occurred, in his vicinity, he shall at once notify the state board of the fact, giving the name and location of the employer, the nature of the trouble, and the number of employes involved, so far as his information will enable him to do so. Whenever it shall come to the knowledge of the state board, either by such notice or otherwise, that a strike or lockout is seriously threatened, or has actually occurred, in this state, involving an employer and his present or past employes, if at the time he is employing, or, up to the occurrence of the strike or lockout, was employing not less than twenty-five persons in the same general line of business in the state, it shall be the duty of the state board to put itself in communication, as soon as may be, with such employer and employes.

SECTION 14. It shall be the duty of the state board in the above described cases to endeavor, by mediation or conciliation, to effect an amicable settlement between them, or, if that seems impracticable, to endeavor to persuade them to submit the matters in dispute to a local board of arbitration and conciliation, as above provided, or to the state board; and said board may, if it deem it advisable, investigate the cause or causes of such controversy and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes, and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given it by section 9 of this act; provided, if neither a settlement nor an arbitration be had because of the opposition thereto of one party to the controversy, such investigation and publication shall, at the request of the other party, be had. And the expense of any publication under this act shall be certified and paid as provided therein for payment of fees.

SECTION 15. Witnesses summoned by the state board shall be allowed the sum of fifty cents for each attendance, and the further sum of twenty-five cents for each hour of attendance in excess of two hours, and shall be allowed five cents a mile for travel each way from their respective places of employment or business to the place where the board is in session. Each witness shall state in writing the amount of his travel and attendance, and said state board shall certify the amount due each

witness to the auditor of the county in which the controversy or difference exists, who shall issue his warrant upon the treasury of said county for the said amount.

SECTION 16. The said state board shall make a yearly report to the governor and legislature, and shall include therein such statements, facts and explanations as will disclose the actual workings of the board, and such suggestions as to legislation as may seem to the members of the board conducive to the friendly relations of, and to the speedy and satisfactory adjustment of disputes between employers and employees.

SECTION 17. The members of said board of arbitration and conciliation hereby created shall each be paid five dollars a day for each day of actual service, and their necessary traveling and other expenses. The chairman of the board shall, quarterly, certify the amount due each member and on presentation of his certificate the auditor of state shall draw his warrant on the treasury of the state for the amount. When the state board meets at the capitol of the state, the adjutant general shall provide rooms suitable for such meeting.

SECTION 18. That an act entitled "An act to authorize the creation and to provide for the operation of tribunals of voluntary arbitration to adjust industrial disputes between employers and employes," of the Revised Statutes of the state, passed February 10, 1895, is hereby repealed.

SECTION 19. This act shall take effect and be in force from and after its passage.

LOUISIANA.

[No. 139.]

An Act to provide for a State Board of Arbitration for the settlement of differences between employers and employees.

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, that within thirty days after the passage of this act, the Governor of the State, with the advice and consent of the Senate, shall appoint five competent persons to serve as a Board of Arbitration and Conciliation in the manner hereinafter provided. Two of them shall be employers, selected or recommended by some association or Board representing em-

players of labor; two of them shall be employees, selected or recommended by the various labor organizations, and not an employer of labor, and the fifth shall be appointed upon the recommendation of the other four; provided however, that if the four appointed do not agree on the fifth man at the expiration of thirty days, he shall be appointed by the Governor; provided, also, that if the employers or employees fail to make their recommendation as herein provided within thirty days, then the Governor shall make said appointments in accordance with the spirit and intent of this Act; said appointments, if made when the Senate is not in session, may be confirmed at the next ensuing session.

SEC. 2. Two shall be appointed for two years, two for three years, and one, the fifth member, for four years, and all appointments thereafter shall be for four years, or until their successors are appointed in the manner above provided. If, for any reason, a vacancy occurs at any time, the Governor shall in the same manner appoint some person to serve out the unexpired term.

SEC. 3. Each member of said Board shall before entering upon the duties of his office, be sworn to the faithful discharge thereof. They shall organize at once by the choice of one of their number as chairman and one of their number as secretary. The Board shall, as soon as possible after its organization, establish rules of procedure.

SEC. 4. Whenever any controversy or difference not involving questions which may be the subject of a suit or action in any court of the State, exists between an employer, whether an individual, copartnership or corporation, and his employees, if at the time he employs not less than twenty persons in the same general line of business in any city or parish of this State, the board shall, upon application as hereinafter provided, and as soon as practicable thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, and advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute.

SEC. 5. Such mediation having failed to bring about an adjustment of the said differences, the Board shall immediately make out a written decision thereon. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement

thereof published in the annual report hereinafter provided for, and the said Board shall cause a copy thereof to be filed with the clerk of the court of the city or parish where said business is carried on.

SEC. 6. Said application for arbitration and conciliation to said Board can be made by either or both parties to the controversy, and shall be signed in the respective instances by said employer or by a majority of the employees in the department of the business in which the controversy or difference exists, or the duly authorized agent of either or both parties. When an application is signed by an agent claiming to represent a majority of such employees, the Board shall satisfy itself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving authority shall be kept secret by said board.

SEC. 7. Said application shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work in the same manner as at the time of the application without any lockout or strike until the decision of said Board, if it shall be made within ten days of the date of filing said application.

SEC. 8. As soon as may be after the receipt of said application, the secretary of said Board shall cause public notice to be given of the time and place for the hearing therein, but public notice need not be given when both parties join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the Board may order, and the Board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. Should the petitioner or petitioners fail to perform the promise made in said application, the Board shall proceed no further therein until said petitioner or petitioners have complied with every order and requirement of the Board.

SEC. 9. The Board shall have power to summon as witnesses any operative in the department of the business affected, and any person who keeps the records of wages earned in those departments, and examine them under oath, and to require the production of books and papers containing the record of wages earned or paid. Summons may be signed and oaths administered by any member of the Board. The Board shall have the

right to compel the attendance of witnesses or the production of papers.

SEC. 10. Whenever it is made to appear to the Mayor of a city or the judge of any District Court in any parish, other than the parish of Orleans, that a strike or lockout is seriously threatened or actually occurs, the Mayor of such city or judge of the District Court of such parish shall at once notify the State Board of the fact. Whenever it shall come to the knowledge of the State Board, either by the notice of the Mayor of a city or the judge of the District Court of the parish, as provided in the preceding part of this section, or otherwise, that a lockout or strike is seriously threatened, or has actually occurred, in any city or parish of this State, involving an employer and his present or past employees, if at the time he is employing, or up to the occurrence of a strike or lockout was employing not less than twenty persons in the same general line of business in any city or parish in the State, it shall be the duty of the State Board to put itself in communication as soon as may be with such employer and employees.

SEC. 11. It shall be the duty of the State Board in the above-described cases to endeavor, by mediation or conciliation, to effect an amicable settlement between them, and to endeavor to persuade them, provided a strike or lockout has not actually occurred or is not then continuing, to submit the matters in dispute to the State Board of Arbitration and Conciliation; and the State Board shall, whether the same be mutually submitted to them or not, investigate the cause or causes of such controversy, and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and shall make and publish a report finding such cause or causes and assigning such responsibility or blame. The Board shall have the same powers for the foregoing purposes as are given it by Section 9 of this act.

SEC. 12. The said State Board shall make a biennial report to the Governor and Legislature, and shall include therein such statements, facts and explanations as will disclose the actual workings of the Board, and such suggestions as to legislation as may seem to the members of the board conducive to the relations of and disputes between employers and employees.

SEC. 13. The members of said State Board of Arbitration and conciliation, hereby created, shall each be paid five dollars a

day for each day of actual service, and their necessary traveling and other expenses. The chairman of the Board shall quarterly certify the amount due each member, and, on presentation of his certificate the Auditor of the State shall draw his warrant on the Treasury of the State for the amount.

SEC. 14. This act shall take effect and be in force from and after its passage. [*Approved July 12, 1894.*]

WISCONSIN.

[CHAPTER 364.]

An Act to provide for a state board of arbitration and conciliation for the settlement of differences between employers and their employes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

SECTION 1. The governor of the state shall within sixty days after the passage and publication of this act appoint three competent persons in the manner hereinafter provided, to serve as a state board of arbitration and conciliation. One of such board shall be an employer, or selected from some association representing employers of labor; one shall be selected from some labor organization and not an employer of labor; and the third shall be appointed upon the recommendation of the other two; provided, however, that if the two appointed by the governor as herein provided do not agree upon the third member of such board at the expiration of thirty days, the governor shall appoint such third member. The members of said board shall hold office for the term of two years and until their successors are appointed. If a vacancy occurs at any time the governor shall appoint a member of such board to serve out the unexpired term, and he may remove any member of said board. Each member of such board shall before entering upon the duties of his office be sworn to support the constitution of the United States, the constitution of the state of Wisconsin, and to faithfully discharge the duties of his office. Said board shall at once organize by the choice of one of their number as chairman and another as secretary.

SECTION 2. Said board shall as soon as possible after its organization establish such rules of procedure as shall be approved by the governor and attorney-general.

SECTION 3. Whenever any controversy or difference not the subject of litigation in the courts of this state exists between an employer, whether an individual, co-partnership or corporation, and his employes, if at the time he employs not less than twenty-five persons in the same general line of business in any city, village or town in this state, said board shall upon application as hereinafter provided, and as soon as practicable thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, (if anything,) should be done or submitted to by either or both to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be published in two or more newspapers published in the locality of such dispute, shall be recorded upon proper books of record to be kept by the secretary of said board, and a succinct statement thereof published in the annual report hereinafter provided for, and said board shall cause a copy of such decision to be filed with the clerk of the city, village or town where said business is carried on.

SECTION 4. Said application shall be signed by said employer, or by a majority of his employes in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievances complained of and a promise and agreement to continue in business or at work without any lockout or strike until the decision of said board; provided, however, that said board shall render its decision within thirty days after the date of filing such application. As soon as may be after the receipt of said application the secretary of said board shall cause public notice to be given of the time and place for the hearing thereof; but public notice need not be given when both parties to the controversy join in the application and request in writing that no public notice be given. When notice has been given as aforesaid the board may in its discretion appoint two expert assistants to the board, one to be nominated by each of the parties to the controversy; provided, that nothing in this act shall be construed to prevent the board from appointing such other additional expert assistants as they may deem necessary. Such expert assistants shall be sworn to the faithful discharge of their duty, such oath to

be administered by any member of the board. Should the petitioner, or petitioners, fail to perform the promise and agreement made in said application, the board shall proceed no further thereupon without the written consent of the adverse party. The board shall have power to subpoena as witnesses any operative in the departments of business affected by the matter in controversy, and any person who keeps the records of wages earned in such departments and to examine them under oath, and to require the production of books containing the record of wages paid. Subpoenas may be signed and oaths administered by any member of the board.

SECTION 5. The decision of the board herein provided for shall be open to public inspection, shall be published in a biennial report to be made to the governor of the state with such recommendations as the board may deem proper, and shall be printed and distributed according to the provisions governing the printing and distributing of other state reports.

SECTION 6. Said decision shall be binding upon the parties who join in said application for six months, or until either party has given the other notice in writing of his intention not to be bound by such decision from and after the expiration of sixty days from the date of said notice. Said notice may be given by serving the same upon the employer or his representative, and by serving the same upon the employees by posting the same in three conspicuous places in the shop, factory, yard or upon the premises where they work.

SECTION 7. The parties to any controversy or difference as described in section 3 of this act may submit the matters in dispute in writing to a local board of arbitration and conciliation; said board may either be mutually agreed upon or the employer may designate one of such arbitrators, the employees or their duly authorized agent another, and the two arbitrators so designated may choose a third, who shall be chairman of such local board; such board shall in respect to the matters referred to it have and exercise all the powers which the state board might have and exercise, and its decision shall have such binding effect as may be agreed upon by the parties to the controversy in the written submission. The jurisdiction of such local board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the state board. Such local board shall render its de-

cision in writing within ten days after the close of any hearing held by it, and shall file a copy thereof with the secretary of the state board. Each of such local arbitrators shall be entitled to receive from the treasurer of the city, village or town in which the controversy or difference that is the subject of arbitration exists, if such payment is approved in writing by the mayor of such city, the board of trustees of such village, or the town board of such town, the sum of three dollars for each day of actual service not exceeding ten days for any one arbitration.

SECTION 8. Whenever it is made to appear to the mayor of a city, the village board of a village, or the town board of a town, that a strike or lockout such as is described in section 9, of this act, is seriously threatened or actually occurs, the mayor of such city, or the village board of such village, or the town board of such town, shall at once notify the state board of such facts, together with such information as may be available.

SECTION 9. Whenever it shall come to the knowledge of the state board by notice as herein provided, or otherwise, that a strike or lockout is seriously threatened, or has actually occurred, which threatens to or does involve the business interests of any city, village or town of this state, it shall be the duty of the state board to investigate the same as soon as may be and endeavor by mediation to effect an amicable settlement between employers and employes, and endeavor to persuade them, provided a strike or lockout has not actually occurred or is not then continuing, to submit the matters in dispute to a local board of arbitration and conciliation as herein provided for, or to the state board. Said state board may if it deems advisable investigate the cause or causes of such controversy, ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes and assigning such responsibility or blame.

SECTION 10. Witnesses subpoenaed by the state board shall be allowed for their attendance and travel the same fees as are allowed to witnesses in the circuit courts of this state. Each witness shall certify in writing the amount of his travel and attendance, and the amount due him upon approval by the board shall be paid out of the state treasury.

SECTION 11. The members of the state board shall receive the actual and necessary expenses incurred by them in the per-

formance of their duties under this act, and the further sum of five dollars a day each for the number of days actually and necessarily spent by them, the same to be paid out of the state treasury.

SECTION 12. The act shall take effect and be in force from and after its passage and publication. [*Approved April 19, 1895. Published May 3, 1895.*]

MINNESOTA.

[CHAPTER 170.]

An Act to provide for the settlement of differences between employers and employes, and to authorize the creation of boards of arbitration and conciliation, and to appropriate money for the maintenance thereof.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That within thirty (30) days after the passage of this act the governor shall, by and with the advice and consent of the senate, appoint a state board of arbitration and conciliation, consisting of three competent persons, who shall hold office until their successors are appointed. On the first Monday in January, 1897 and thereafter biennially, the governor, by and with like advice and consent, shall appoint said board, who shall be constituted as follows; One of them shall be an employer of labor, one of them shall be a member selected from some bona fide trade union and not an employer of labor, and who may be chosen from a list submitted by one or more trade and labor assemblies in the State, and the third shall be appointed upon the recommendation of the other two as hereinafter provided, and shall be neither an employe, or an employer of skilled labor; *provided* — however, that if the two first appointed do not agree in nominating one or more persons to act as the third member before the expiration of ten (10) days, the appointment shall then be made by the governor without such recommendation. Should a vacancy occur at any time, the governor shall in the same manner appoint some one having the same qualifications to serve out the unexpired term, and he may also remove any member of said board.

SEC. 2. The said board shall, as soon as possible after their appointment, organize by electing one of their members as

president and another as secretary, and establish, subject to the approval of the governor, such rules of procedure as may seem advisable.

SEC. 3. That whenever any controversy or difference arises, relating to the conditions of employment or rates of wages between any employer, whether an individual, a copartnership or corporation, and whether resident or non-resident, and his or their employes, if at the time he or it employs not less than ten (10) persons in the same general line of business in any city or town in this state, the board shall, upon application, as hereinafter provided, as soon as practicable thereafter, visit the locality of the dispute and make a careful inquiry into the causes thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be submitted to by either or both to adjust said dispute, and within ten days after said inquiry make a written decision thereon. This decision shall at once be made public and a short statement thereof published in a biennial report hereinafter provided for, and the said board shall also cause a copy of said decision to be filed with the clerk of the district court of the county where said business is carried on.

SEC. 4. That said application shall be signed by said employer or by a majority of his employes in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievance alleged, and shall be verified by at least one of the signers. When an application is signed by an agent claiming to represent a majority of such employes, the board shall, before proceeding further, satisfy itself that such agent is duly authorized in writing to represent such employes, but the names of the employes giving such authority shall be kept secret by said board. Within three days after the receipt of said application the secretary of said board shall cause public notice to be given of the time and place where said hearing shall be held. But public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made notice shall be given to the parties interested in such manner as the board may order; and the board may at any stage of the proceedings cause public notice to be given notwithstanding such request.

SEC. 5. The said board shall have power to summon as witnesses any clerk, agent or employe in the departments of the business who keeps the records of wages earned in those departments, and require the production of books containing the records of wages paid. Summons may be signed and oaths administered by any member of the board. Witnesses summoned before the board shall be paid by the board the same witness fees as witnesses before a district court.

SEC. 6. That upon the receipt of an application, after notice has been given as aforesaid, the board shall proceed as before provided, and render a written decision which shall be open to public inspection, and shall be recorded upon the records of the board and published at the discretion of the same in a biennial report which shall be made to the legislature on or before the first Monday in January of each year in which the legislature is in regular session.

SEC. 7. In all cases where the application is mutual, the decision shall provide that the same shall be binding upon the parties concerned in said controversy or dispute for six months, or until sixty days after either party has given the other notice in writing of his or their intention not to be bound by the same. Such notice may be given to said employes by posting the same in three conspicuous places in the shop, factory or place of employment.

SEC. 8. Whenever it shall come to the knowledge of said board, either by notice from the mayor of a city, the county commissioners, the president of a chamber of commerce or other representative body, the president of the central labor council or assembly, or any five reputable citizens, or otherwise, that what is commonly known as a strike or lockout is seriously threatened or has actually occurred, in any city or town of the state, involving an employer and his or its present or past employes, if at the time such employer is employing, or up to the occurrence of the strike or lockout was employing, not less than ten persons in the same general line of business in any city or town in this State, and said board shall be satisfied that such information is correct, it shall be the duty of said board, within three days thereafter, to put themselves in communication with such employer and employes and endeavor by mediation to effect an amicable settlement between them, or to persuade them to submit the matter in dispute to a local board of arbitration and concilia-

tion, as hereinafter provided, or to said state board, and the said State board may investigate the cause or causes of such controversy and ascertain which party thereto is mainly responsible for the continuance of the same, and may make and publish a report assigning such responsibility. The said board shall have the same powers for the foregoing purposes as are given them by sections three and four of this act.

SEC. 9. The parties to any controversy or difference, as specified in this act, may submit the matter in dispute in writing to a local board of arbitration and conciliation; such board may either be mutually agreed upon, or the employer may designate one of the arbiters, the employes or their duly authorized agent another, and the two arbiters so designated may choose a third, who shall also be chairman of the board. Each arbiter so selected shall sign a consent to act as such, and shall take and subscribe an oath before an officer authorized to administer oaths to faithfully and impartially discharge his duty as such arbiter, which consent and oath shall be filed in the office of the clerk of the district court of the county where such dispute arises. Such board shall, in respect to the matters submitted to them, have and exercise all the powers which the state board might have and exercise, and their decisions shall have whatever binding effect may be agreed to by the parties to the controversy in the written submission. Vacancies in such local boards may be filled in the same manner as the regular appointments are made. It shall be the duty of said state board to aid and assist in the formation of such local boards throughout the state in advance of any strike or lockout, whenever and wherever in their judgment the formation of such local boards will have a tendency to prevent or allay the occurrence thereof. The jurisdiction of such local boards shall be exclusive in respect to the matters submitted to them; but they may ask and receive the advice and assistance of the state board. The decisions of such local boards shall be rendered within ten days after the close of any hearing held before them; such decision shall at once be filed with the clerk of the district court of the county in which such controversy arose, and a copy thereof shall be forwarded to the state board.

SEC. 10. Each member of said State board shall receive as compensation five (\$5) dollars a day, including mileage, for each and every day actually employed in the performance of the duties provided for by this act; such compensation shall be

paid by the state treasurer on duly detailed vouchers approved by said board and by the governor.

SEC. 11. The said board, in their biennial reports to the legislature, shall include such statements, facts and explanations as will disclose the actual workings of the board and such suggestions with regard to legislation as may seem to them conducive to harmonizing the relations of and the disputes between employers and employes ; and the improvement of the present relations between labor and capital. Such biennial reports of the board shall be printed in the same manner and under the same regulations as the reports of the executive officers of the state.

SEC. 12. There is hereby annually appropriated out of any money in the state treasury not otherwise appropriated the sum of two thousand dollars, or so much thereof as may be necessary for the purposes of carrying out the provisions of this act.

SEC. 13. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 14. This act shall take effect and be in force from and after its passage. [Approved April 25, 1895.]

CONNECTICUT.

[CHAPTER CXXXIX.]

An Act creating a State Board of Mediation and Arbitration.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

SECTION 1. During each biennial session of the general assembly, the governor shall, with the advice and consent of the senate, appoint a state board of mediation and arbitration, to consist of three competent persons, each of whom shall hold his office for the term of two years. One of said persons shall be selected from the party which at the last general election cast the greatest number of votes for governor of this state, and one of said persons shall be selected from the party which at the last general election cast the next greatest number of votes for governor of this state, and the other of said persons shall be selected from a *bona fide* labor organization of this state. Said board shall select one of its number to act as clerk or secretary, whose duty it shall be to keep a full and faithful record of the proceedings of the board, and also to keep

and preserve all documents and testimony submitted to said board; he shall have power under the direction of the Board, to issue subpoenas, and to administer oaths in all cases before said board, and to call for and examine the books, papers and documents of the parties to such cases. Said arbitrators shall take and subscribe to the constitutional oath of office before entering upon the discharge of their duties.

SEC. 2. Whenever any grievance or dispute of any nature shall arise between any employer and his employés, it shall be lawful for the parties to submit the same directly to the state board of mediation and arbitration, in case such parties elect to do so, and shall notify said board, or its clerk, in writing, of such election. Whenever such notification to said board or its clerk is given, it shall be the duty of said board to proceed, with as little delay as possible, to the locality of such grievance or dispute, and inquire into the cause or causes of the grievance or dispute. The parties to the grievance or dispute shall thereupon submit to said board, in writing, succinctly, clearly, and in detail, their grievances and complaints, and the cause or causes thereof, and severally promise and agree to continue in business, or at work, without a strike or lockout, until the decision of said board is rendered; *provided*, it shall be rendered within ten days after the completion of the investigation. The board shall thereupon proceed fully to investigate and inquire into the matters in controversy, and to take testimony under oath in relation thereto, and shall have power, by its chairman or clerk, to administer oaths, to issue subpoenas for the attendance of witnesses, and the production of books and papers.

SEC. 3. After a matter has been fully heard, the said board, or a majority of its members, shall, within ten days, render a decision thereon in writing, signed by the members of the board, or a majority of them, stating such details as will clearly show the nature of the decision and the points disposed of by said board. The decision shall be in triplicate, one copy of which shall be filed by the clerk of the board in the office of the town or city clerk in the town where the controversy arose, and one copy shall be served on each of the parties to the controversy.

SEC. 4. Whenever a strike or lockout shall occur, or is seriously threatened in any part of the state, and shall come to the knowledge of the board, it shall be its duty, and it is hereby directed to proceed, as soon as practicable, to the locality of

such strike or lockout and put itself in communication with the parties to the controversy, and endeavor by mediation to effect an amicable settlement of such strike or lockout; and, if in the judgment of said board it is best, it shall inquire into the cause or causes of the controversy, and to that end the board is hereby authorized to subpoena witnesses, and send for persons and papers.

SEC. 5. Said board shall, on or before the first day of December in each year, make a report to the Governor, and shall include therein such statements, facts, and explanations as will disclose the actual working of the board, and such suggestions as to legislation as may seem to it conducive to harmony in the relations between employers and employed, and to the improvement of the present system of production.

SEC. 6. Whenever the term "employer" or "employers" is used in this act it shall be held to include "firm," "joint-stock association," "company" or "corporation," as fully as if each of the last-named terms was expressed in each place.

SEC. 7. The members of the board shall receive as compensation for actual services rendered under this act, the sum of five dollars per day and expenses, upon presentation of their voucher to the comptroller, approved by the governor.

SEC. 8. This act shall take effect from its passage. [*Approved June 28, 1895.*]

ILLINOIS.

The act approved August 2, 1895, as amended in section 3 and through the insertion of sections 5a, 5b, and 6a by the act approved April 12, 1899, is as follows:

An Act to create a State Board of Arbitration for the investigation or settlement of differences between employers and their employés, and to define the powers and duties of said board.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* As soon as this act shall take effect the Governor, by and with the advice and consent of the Senate, shall appoint three persons, not more than

two of whom shall belong to the same political party, who shall be styled a State "Board of Arbitration," to serve as a State Board of Arbitration and Conciliation; one and only one of whom shall be an employer of labor, and one and only one of whom shall be an employé and shall be selected from some labor organization. They shall hold office until March 1, 1897, or until their successors are appointed, but said board shall have no power to act as such until they and each of them are confirmed by the Senate. On the first day of March, 1897, the Governor, with the advice and consent of the Senate, shall appoint three persons as members of said board in the manner above provided, one to serve for one year, one for two years and one for three years, or until their respective successors are appointed, and on the first day of March in each year thereafter the Governor shall in the same manner appoint one member of said board to succeed the member whose term expires, and to serve for the term of three years, or until his successor is appointed. If a vacancy occurs at any time, the Governor shall in the same manner appoint some one to serve out the unexpired term. Each member of said board shall, before entering upon the duties of his office, be sworn to the faithful discharge thereof. The board shall at once organize by the choice of one of their number as chairman, and they shall, as soon as possible after such organization, establish suitable rules of procedure. The board shall have power to select and remove a secretary, who shall be a stenographer, and who shall receive a salary to be fixed by the board, not to exceed \$1,200 per annum and his necessary traveling expenses, on bills of items to be approved by the board, to be paid out of the State treasury.

§ 2. When any controversy or difference not involving questions which may be the subject of an action at law or a bill in equity, exists between an employer, whether an individual, copartnership or corporation, employing not less than twenty-five persons, and his employés in this State, the board shall, upon application as herein provided, and as soon as practicable thereafter, visit the locality of the dispute and make a careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to

by both to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the board shall cause a copy thereof to be filed with the clerk of the city, town or village where said business is carried on.

§ 3. Said application shall be signed by said employer or by a majority of his employes in the department of the business in which the controversy or difference exists, or by both parties, and shall contain a concise statement of the grievances complained of and a promise to continue on in business or at work without any lockout or strike until the decision of said board, if it shall be made within three weeks of the date of filing said application. As soon as may be after the receipt of said application, the secretary of said board shall cause public notice to be given of the time and place for the hearing thereon, but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order, and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. The board in all cases shall have power to summon as witness any operative, or expert in the departments of business affected and any person who keeps the records of wages earned in those departments, or any other person, and to examine them under oath, and to require the production of books containing the record of wages paid, and such other books and papers as may be deemed necessary to a full and fair investigation of the matter in controversy. The board shall have power to issue subpoenas, and oaths may be administered by the chairman of the board. If any person, having been served with a subpoena or other process issued by such board, shall wilfully fail or refuse to obey the same, or to answer such question as may be proposed touching the subject matter of the inquiry or investigation, it shall be the duty of the circuit court or the county court of the county in which the hearing is being conducted, or of the judge

thereof, if in vacation, upon application by such board, duly attested by the chairman and secretary thereof, to issue an attachment for such witness and compel him to appear before such board and give his testimony or to produce such books and papers as may be lawfully required by said board; and the said court, or the judge thereof, shall have power to punish for contempt, as in other cases of refusal to obey the process and order of such court.

§ 4. Upon the receipt of such application, and after such notice, the board shall proceed as before provided, and render a written decision, which shall be open to public inspection, shall be recorded upon the records of the board and published at the discretion of the same in an annual report to be made to the Governor before the first day of March in each year.

§ 5. Said decision shall be binding upon the parties who join in said application for six months or until either party has given the other notice in writing of his or their intention not to be bound by the same at the expiration of sixty days therefrom. Said notice may be given to said employes by posting in three conspicuous places in the shop or factory where they work.

§ 5a. In the event of a failure to abide by the decision of said board in any case in which both employer and employes shall have joined in the application, any person or persons aggrieved thereby may file with the clerk of the circuit court or the county court of the county in which the offending party resides, or in the case of an employer in the county in which the place of employment is located, a duly authenticated copy of said decision, accompanied by a verified petition reciting the fact that such decision has not been complied with and stating by whom and in what respects it has been disregarded. Thereupon the circuit court or the county court (as the case may be) or the judge thereof, if in vacation, shall grant a rule against the party or parties so charged to show cause within ten days why such decision has not been complied with, which shall be served by sheriff as other process. Upon return made to the rule, the court, or the judge thereof if in vacation, shall hear and determine the question presented, and to secure a compliance with such decision, may punish the offending party or par-

by both to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the board shall cause a copy thereof to be filed with the clerk of the city, town or village where said business is carried on.

§ 3. Said application shall be signed by said employer or by a majority of his employes in the department of the business in which the controversy or difference exists, or by both parties, and shall contain a concise statement of the grievances complained of and a promise to continue on in business or at work without any lockout or strike until the decision of said board, if it shall be made within three weeks of the date of filing said application. As soon as may be after the receipt of said application, the secretary of said board shall cause public notice to be given of the time and place for the hearing thereon, but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order, and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. The board in all cases shall have power to summon as witness any operative, or expert in the departments of business affected and any person who keeps the records of wages earned in those departments, or any other person, and to examine them under oath, and to require the production of books containing the record of wages paid, and such other books and papers as may be deemed necessary to a full and fair investigation of the matter in controversy. The board shall have power to issue subpoenas, and oaths may be administered by the chairman of the board. If any person, having been served with a subpoena or other process issued by such board, shall wilfully fail or refuse to obey the same, or to answer such question as may be proposed touching the subject matter of the inquiry or investigation, it shall be the duty of the circuit court or the county court of the county in which the hearing is being conducted, or of the judge

as he may possess touching the difference or controversy and the number of employés involved.

§ 7. The members of the said board shall each receive a salary of \$1,500 a year, and necessary traveling expenses, to be paid out of the treasury of the State, upon bills of particulars approved by the Governor.

§ 8. Any notice or process issued by the State Board of Arbitration, shall be served by any sheriff, coroner or constable to whom the same may be directed or in whose hands the same may be placed for service.

§ 9. Whereas, an emergency exists, therefore it is enacted that this act shall take effect and be in force from and after its passage.

U T A H .

[CHAPTER LXII.]

An Act to create a State Board of Labor, Conciliation and Arbitration, for the investigation and settlement of differences between Employers and their Employes, and to define the Powers and Duties of the said Board, and to fix their Compensation.

Be it enacted by the Legislature of the State of Utah :

SECTION 1. As soon as this act shall be approved, the Governor, by and with the consent of the Senate, shall appoint three persons, not more than two of whom shall belong to the same political party, who shall be styled a State Board of Labor, Conciliation and Arbitration, to serve as a State Board of Labor, Conciliation and Arbitration, one of whom and only one of whom shall be an employer of labor, and only one of whom shall be an employe, and the latter shall be selected from some labor organization, and the third shall be some person who is neither an employe nor an employer of manual labor, and who shall be chairman of the board. One to serve for one year, one for three years and one for five years as may be designated by the Governor at the time of their appointment, and at the expiration of their terms, their successors shall be appointed in like manner for the term of four years. If a vacancy occurs at any time, the Governor shall, in the same manner appoint some one to serve the unexpired term and until the ap-

ties for contempt, but such punishment shall in no case extend to imprisonment.

§ 5b. Whenever two or more employers engaged in the same general line of business, employ in the aggregate not less than twenty-five persons, and having a common difference with their employés, shall, coöperating together, make application for arbitration, or whenever such application shall be made by the employés of two or more employers engaged in the same general line of business, such employés being not less than twenty-five in number, and having a common difference with their employers, or whenever the application shall be made jointly by the employers and employés in such a case, the board shall have the same powers and proceed in the same manner as if the application had been made by one employer, or by the employés of one employer, or by both.

§ 6. Whenever it shall come to the knowledge of the State board that a strike or lockout is seriously threatened in the State, involving an employer and his employés, if he is employing not less than twenty-five persons, it shall be the duty of the State board to put itself in communication as soon as may be, with such employer or employés, and endeavor by mediation to effect an amicable settlement between them, or to endeavor to persuade them to submit the matters in dispute to the State board.

§ 6a. It shall be the duty of the mayor of every city, and president of every incorporated town or village, whenever a strike or lockout involving more than twenty-five employés shall be threatened or has actually occurred within or near such city, incorporated town or village, to immediately communicate the fact to the state board of arbitration stating the name or names of the employer or employers and of one or more employés, with their postoffice address, the nature of the controversy or difference existing, the number of employés involved and such other information as may be required by the said board. It shall be the duty of the president or chief executive officer of every labor organization, in case of a strike or lockout, actual or threatened, involving the members of the organization of which he is an officer to immediately communicate the fact of such strike or lockout to the said board with such information

as he may possess touching the difference or controversy and the number of employes involved.

§ 7. The members of the said board shall each receive a salary of \$1,500 a year, and necessary traveling expenses, to be paid out of the treasury of the State, upon bills of particulars approved by the Governor.

§ 8. Any notice or process issued by the State Board of Arbitration, shall be served by any sheriff, coroner or constable to whom the same may be directed or in whose hands the same may be placed for service.

§ 9. Whereas, an emergency exists, therefore it is enacted that this act shall take effect and be in force from and after its passage.

UTAH.

[CHAPTER LXII.]

An Act to create a State Board of Labor, Conciliation and Arbitration, for the investigation and settlement of differences between Employers and their Employes, and to define the Powers and Duties of the said Board, and to fix their Compensation.

Be it enacted by the Legislature of the State of Utah :

SECTION 1. As soon as this act shall be approved, the Governor, by and with the consent of the Senate, shall appoint three persons, not more than two of whom shall belong to the same political party, who shall be styled a State Board of Labor, Conciliation and Arbitration, to serve as a State Board of Labor, Conciliation and Arbitration, one of whom and only one of whom shall be an employer of labor, and only one of whom shall be an employe, and the latter shall be selected from some labor organization, and the third shall be some person who is neither an employe nor an employer of manual labor, and who shall be chairman of the board. One to serve for one year, one for three years and one for five years as may be designated by the Governor at the time of their appointment, and at the expiration of their terms, their successors shall be appointed in like manner for the term of four years. If a vacancy occurs at any time, the Governor shall, in the same manner appoint some one to serve the unexpired term and until the ap-

pointment and qualification of his successor. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge thereof.

SEC. 2. The board shall at once organize by selecting from its members a secretary, and they shall, as soon as possible after such organization, establish suitable rules of procedure.

SEC. 3. When any controversy or difference, not involving questions which may be the subject of an action at law or bill in equity, exists between an employer (whether an individual, copartnership or corporation) employing not less than ten persons, and his employes, in this State, the board shall, upon application as herein provided, and as soon as practicable thereafter, visit the locality of the dispute, and make a careful inquiry into the cause thereof, hear all persons interested therein, who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute, and make a written decision thereof.

SEC. 4. This decision shall at once be made public, shall be recorded upon the proper book of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for.

SEC. 5. Said application shall be signed by said employer, or by a majority of his employes in the department of the business in which the controversy or difference exists, or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work without any lockout or strike until a decision of said board, if it shall be made within three weeks of the date of filing the said application.

SEC. 6. As soon as may be after receiving said application, the secretary of said board shall cause public notice to be given, of the time and place for the hearing thereon, but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order, and the board may at any stage of the proceedings, cause public notice, notwithstanding such request.

“SEC. 7. The board shall have the power to summon as witnesses by subpoena any operative or expert in the department

of business affected, and any person who keeps the records of wages earned in those departments, or any other person, and to administer oaths, and to examine said witnesses and to require the production of books, papers and records. In case of a disobedience to a subpoena the board may invoke the aid of any court in the State in requiring the attendance and testimony of witnesses and the production of books, papers and documents under the provisions of this section. Any of the district courts of the State, within the jurisdiction of which such inquiry is carried on, may, in case of contumacy or refusal to obey a subpoena issued to any such witness, issue an order requiring such witness to appear before said board and produce books and papers if so ordered, and give evidence touching the matter in question. Any refusal to obey such order of the court may be punished by such court as a contempt thereof."

SEC. 8. Upon the receipt of such application and after such notice, the board shall proceed as before provided and render a written decision, and the findings of the majority shall constitute the decision of the board, which decision shall be open to public inspection, shall be recorded upon the records of the board and published in an annual report to be made to the Governor before the first day of March in each year.

SEC. 9. Said decision shall be binding upon the parties who join in said application, or who have entered their appearance before said board, until either party has given the other notice in writing of his or their intention not to be bound by the same, and for a period of 90 days thereafter. Said notice may be given to said employees by posting in three conspicuous places where they work.

SEC. 10. Whenever it shall come to the knowledge of the State board that a strike or lockout is seriously threatened in the State involving any employer and his employees, if he is employing not less than ten persons, it shall be the duty of the State board to put itself into communication as soon may be, with such employer and employees, and endeavor by mediation to effect an amicable settlement between them and endeavor to persuade them to submit the matters in dispute to the State board.

SEC. 11. The members of said board shall each receive a per diem of three dollars for each day's service while actually engaged in the hearing of any controversy between any em-

ployer and his employees, and five cents per mile for each mile necessarily traveled in going to and returning from the place where engaged in hearing such controversy, the same to be paid by the parties to the controversy, appearing before said board, and the members of said board shall receive no compensation or expenses for any other service performed under this act.

SEC. 12. Any notice or process issued by the State Board of Arbitration shall be served by any sheriff, to whom the same may be directed, or in whose hands the same may be placed for service without charge. [*Approved March 24, 1896.*]

INDIANA.

The following repeals parts of sections 2, 17 and 18, statute of March 4, 1897, and re-enacts its essential provisions :

An Act providing for the creation of a Labor Commission, and defining its duties and powers, and providing for arbitrations and investigations of labor troubles; and repealing all laws and parts of laws in conflict with this act.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be, and is hereby created a commission to be composed of two electors of the State, which shall be designated the Labor Commission, and which shall be charged with the duties and vested with the powers hereinafter enumerated.

SEC. 2. The members of said Commission shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold office for four years and until their successors shall have been appointed and qualified. One of said Commissioners shall have been for not less than ten years of his life an employe for wages in some department of industry in which it is usual to employ a number of persons under single direction and control, and shall be at the time of his appointment affiliated with the labor interest as distinguished from the capitalist or employing interest. The other of said Commissioners shall have been for not less than ten years an employer of labor for wages in some department of industry in which it is usual to employ a number of persons under single direction and control, and shall be at the time of his appointment affiliated with the employing interest as distinguished from the labor interest. Neither of said Commissioners shall be less than forty

years of age; they shall not be members of the same political party, and neither of them shall hold any other State, county, or city office in Indiana during the term for which he shall be appointed. Each of said Commissioners shall take and subscribe an oath, to be endorsed upon his commission, to the effect that he will punctually, honestly, and faithfully discharge his duties as such Commissioner.

SEC. 3. Said Commission shall have a seal and shall be provided with an office at Indianapolis, and may appoint a Secretary who shall be a skillful stenographer and typewriter, and shall receive a salary of six hundred dollars per annum and his traveling expenses for every day spent by him in the discharge of duty away from Indianapolis.

SEC. 4. It shall be the duty of said Commissioners upon receiving creditable information in any manner of the existence of any strike, lockout, boycott, or other labor complication in this State affecting the labor or employment of fifty persons or more to go to the place where such complication exists, put themselves into communication with the parties to the controversy and offer their services as mediators between them. If they shall not succeed in effecting an amicable adjustment of the controversy in that way they shall endeavor to induce the parties to submit their differences to arbitration, either under the provisions of this act or otherwise, as they may elect.

SEC. 5. For the purpose of arbitration under this act, the Labor Commissioners and the Judge of the Circuit Court, of the county in which the business in relation to which the controversy shall arise, shall have been carried on shall constitute a Board of Arbitrators, to which may be added, if the parties so agree, two other members, one to be named by the employer and the other by the employees in the arbitration agreement. If the parties to the controversy are a railroad company and employees of the company engaged in the running of trains, any terminal within this State, of the road, or of any division thereof, may be taken and treated as the location of the business within the terms of this section for the purpose of giving jurisdiction to the Judge of the Circuit Court to act as a member of the Board of Arbitration.

SEC. 6. An agreement to enter into arbitration under this act shall be in writing and shall state the issue to be submitted and decided and shall have the effect of an agreement by the

parties to abide by and perform the award. Such agreement may be signed by the employer as an individual, firm or corporation, as the case may be, and execution of the agreement in the name of the employer by any agent or representative of such employer then and theretofore in control or management of the business or department of business in relation to which the controversy shall have arisen shall bind the employer. On the part of the employes, the agreement may be signed by them in their own person, not less than two-thirds of those concerned in the controversy signing, or it may be signed by a committee by them appointed. Such committee may be created by election at a meeting of the employes concerned in the controversy at which not less than two-thirds of all such employes shall be present, which election and the fact of the presence of the required number of employes at the meeting shall be evidenced by the affidavit of the chairman and secretary of such meeting attached to the arbitration agreement. If the employes concerned in the controversy, or any of them, shall be members of any labor union or workingmen's society, they may be represented in the execution of said arbitration agreement by officers or committeemen of the union or society designated by it in any manner conformable to its usual methods of transacting business, and others of the employes represented by committee as hereinbefore provided.

SEC. 7. If upon any occasion calling for the presence and intervention of the Labor Commissioners under the provisions of this act, one of said Commissioners shall be present and the other absent, the Judge of the Circuit Court of the county in which the dispute shall have arisen, as defined in section 5, shall upon the application of the Commissioners present, appoint a Commissioner *pro tem.* in the place of the absent Commissioner, and such Commissioner *pro tem.* shall exercise all the powers of a Commissioner under this act until the termination of the duties of the Commission with respect to the particular controversy upon the occasion of which the appointment shall have been made, and shall receive the same pay and allowances provided by this act for the other commissioners. Such Commissioner *pro tem.* shall represent and be affiliated with the same interests as the absent Commissioner.

SEC. 8. Before entering upon their duties the arbitrators shall take and subscribe an oath or affirmation to the effect that

they will honestly and impartially perform their duties as arbitrators and a just and fair award render to the best of their ability. The sittings of the arbitrators shall be in the court room of the Circuit Court, or such other place as shall be provided by the County Commissioners of the county in which the hearing is had. The Circuit Judge shall be the presiding member of the Board. He shall have power to issue subpoenas for witnesses who do not appear voluntarily, directed to the Sheriff of the county, whose duty it shall be to serve the same without delay. He shall have power to administer oaths and affirmations to witnesses, enforce order, and direct and control the examinations. The proceedings shall be informal in character, but in general accordance with the practice governing the Circuit Courts in the trial of civil causes. All questions of practice, or questions relating to the admission of evidence shall be decided by the presiding member of the Board summarily and without extended argument. The sittings shall be open and public, or with closed doors, as the Board shall direct. If five members are sitting as such Board three members of the Board agreeing shall have power to make an award, otherwise, two. The Secretary of the Commission shall attend the sittings and make a record of the proceedings in shorthand, but shall transcribe so much thereof only as the Commission shall direct.

SEC. 9. The arbitrators shall make their award in writing and deliver the same with the arbitration agreement and their oath as arbitrators to the Clerk of the Circuit Court of the county in which the hearing was had, and deliver a copy of the award to the employer, and a copy to the first signer of the arbitration agreement on the part of the employees. A copy of all the papers shall also be preserved in the office of the Commission at Indianapolis.

SEC. 10. The Clerk of the Circuit Court shall record the papers delivered to him as directed in the last preceding section, in the order book of the Circuit Court. Any person who was a party to the arbitration proceedings may present to the Circuit Court of the county in which the hearing was had, or the Judge thereof in vacation, a verified petition referring to the proceedings and the record of them in the order book and showing that said award has not been complied with, stating by whom and in what respect it has been disobeyed. And thereupon the Court or Judge thereof in vacation shall grant a rule against the party

or parties so charged, to show cause within five days why said award has not been obeyed, which shall be served by the Sheriff as other process. Upon return made to the rule the Judge or Court if in session, shall hear and determine the questions presented and made such order or orders directed to the parties before him *in personam*, as shall give just effect to the award. Disobedience by any party to such proceedings of any order so made shall be deemed a contempt of the court and may be punished accordingly. But such punishment shall not extend to imprisonment except in case of wilful and contumacious disobedience. In all proceedings under this section the award shall be regarded as presumptively binding upon the employer and all employes who were parties to the controversy submitted to arbitration, which presumption shall be overcome only by proof of dissent from the submission delivered to the arbitrators, or one of them, in writing before the commencement of the hearing.

SEC. 11. The Labor Commission, with the advice and assistance of the Attorney-General of the State, which he is hereby required to render, may make rules and regulations respecting proceedings in arbitrations under this act not inconsistent with this act or the law, including forms, and cause the same to be printed and furnished to all persons applying therefor, and all arbitration proceedings under this act shall thereafter conform to such rules and regulations.

SEC. 12. Any employer and his employes, not less than twenty-five in number, between whom differences exist which have not resulted in any open rupture or strike, may of their own motion apply to the Labor Commission for arbitration of their differences, and upon the execution of an arbitration agreement as hereinbefore provided, a Board of Arbitrators shall be organized in the manner hereinbefore provided, and the arbitration shall take place and the award be rendered, recorded and enforced in the same manner as in arbitrations under the provisions found in the preceding sections of this act.

SEC. 13. In all cases arising under this act requiring the attendance of a Judge of the Circuit Court as a member of an Arbitration Board, such duty shall have precedence over any other business pending in his court, and if necessary for the prompt transaction of such other business it shall be his duty to appoint some other Circuit Judge, or Judge of a Superior or the Appellate or Supreme Court to sit in the Circuit Court in his

place during the pendency of such arbitration, and such appointee shall receive the same compensation for his services as is now allowed by law to Judges appointed to sit in case of change of Judge in civil actions. In case the Judge of the Circuit Court, whose duty it shall become under this act to sit upon any Board of Arbitrators, shall be at the time actually engaged in a trial which can not be interrupted without loss and injury to the parties, and which will in his opinion continue for more than three days to come, or is disabled from acting by sickness or otherwise, it shall be the duty of such Judge to call in and appoint some other Circuit Judge, or some Judge of a Superior Court, or the Appellate or Supreme Court, to sit upon such Board of Arbitrators, and such appointed Judge shall have the same power and perform the same duties as member of the Board of Arbitration as are by this act vested in and charged upon the Circuit Judge regularly sitting, and he shall receive the same compensation now provided by law to a Judge sitting by appointment upon a change of Judge in civil cases, to be paid in the same way.

SEC. 14. If the parties to any such labor controversy as is defined in section 4 of this act shall have failed at the end of five days after the first communication of said Labor Commission with them to adjust their differences amicably, or to agree to submit the same to arbitration, it shall be the duty of the Labor Commission to proceed at once to investigate the facts attending the disagreement. In this investigation the Commission shall be entitled, upon request, to the presence and assistance of the Attorney-General of the State, in person or by deputy, whose duty it is hereby made to attend without delay, upon request by letter or telegram from the Commission. For the purpose of such investigation the Commission shall have power to issue subpoenas, and each of the Commissioners shall have power to administer oaths and affirmations. Such subpoena shall be under the seal of the Commission and signed by the Secretary of the Commission, or a member of it, and shall command the attendance of the person or persons named in it at a time and place named, which subpoena may be served and returned as other process by any Sheriff or Constable in the State. In case of disobedience of any such subpoena, or the refusal of any witness to testify, the Circuit Court of the county within which the subpoena was issued, or the Judge thereof in vacation,

shall, upon the application of the Labor Commission, grant a rule against the disobeying person or persons, or the person refusing to testify, to show cause forthwith why he or they should not obey such subpoena, or testify as required by the Commission, or be adjudged guilty of contempt, and in such proceedings such court, or the Judge thereof in vacation, shall be empowered to compel obedience to such subpoena as in the case of subpoena issued under the order and by authority of the court, or to compel a witness to testify as witnesses in court are compelled to testify. But no person shall be required to attend as a witness at any place outside the county of his residence. Witnesses called by the Labor Commission under this section shall be paid \$1.00 per diem fees out of the expense fund provided by this act, if such payment is claimed at the time of their examination.

SEC. 15. Upon the completion of the investigation authorized by the last preceding section, the Labor Commission shall forthwith report the facts thereby disclosed affecting the merits of the controversy in succinct and condensed form to the Governor, who, unless he shall perceive good reason to the contrary, shall at once authorize such report to be given out for publication. And as soon thereafter as practicable, such report shall be printed under the direction of the Commission and a copy shall be supplied to any one requesting the same.

SEC. 16. Any employer shall be entitled, in his response to the inquiries made of him by the Commission in the investigation provided for in the two last preceding sections, to submit in writing to the Commission, a statement of any facts material to the inquiry, the publication of which would be likely to be injurious to his business, and the facts so stated shall be taken and held as confidential, and shall not be disclosed in the report or otherwise.

SEC. 17. Said Commissioners shall receive a compensation of ten dollars each per diem for the time actually expended, and actual and necessary traveling expenses while absent from home in the performance of duty, and each of the two members of a Board of Arbitration chosen by the parties under the provisions of this act shall receive the same compensation for the days occupied in service upon the Board. The Attorney-General, or his deputy, shall receive his necessary and actual traveling expenses while absent from home in the service of the Commission. Such

compensation and expenses shall be paid by the Treasurer of State upon warrants drawn by the Auditor upon itemized and verified accounts of time spent and expenses paid. All such accounts, except those of the Commissioners, shall be certified as correct by the Commissioners, or one of them, and the accounts of the Commissioners shall be certified by the Secretary of the Commission. It is hereby declared to be the policy of this act that the arbitrations and investigations provided for in it shall be conducted with all reasonable promptness and dispatch, and no member of any Board of Arbitration shall be allowed payment for more than fifteen days' service in any one arbitration, and no Commissioner shall be allowed payment for more than ten days' service in the making of the investigation provided for in section 14 and sections following.

SEC. 18. For the payment of the salary of the Secretary of the Commission, the compensation of the Commissioners and other arbitrators, the traveling and hotel expenses herein authorized to be paid, and for witness fees, printing, stationery, postage, telegrams and office expenses there is hereby appropriated out of any money in the Treasury not otherwise appropriated, the sum of five thousand dollars for the year 1897 and five thousand dollars for the year 1898.

IDAHO.

The following bill, having remained with the governor more than ten secular days after the legislature adjourned, became a law March 20, 1897.

An Act to provide for a State Board of Arbitration, for the Settlement of Differences between Employees and their Employers and to provide for Local Boards of Arbitration subordinate thereto.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. The Governor, with the advice and consent of the Senate, shall, on or before the fourth day of March, eighteen hundred and ninety-seven, appoint three competent persons to serve as a State board of Arbitration and Conciliation in the manner hereinafter provided. One of them shall be an employer or selected from some association representing employers of labor; one of them shall be selected from some labor organization and not an employer of labor; the third shall

be appointed upon the recommendation of the other two; *Provided, however*, That if the two appointed do not agree on the third man at the expiration of thirty days, he shall then be appointed by the Governor. On or before the fourth day of March, eighteen hundred and ninety-seven, the Governor, with the advice and consent of the Senate, shall appoint three members of said board in the manner above provided; one to serve for six years; one for four years; and one for two years; or until their respective successors are appointed; and on or before the fourth day of March of each year during which the legislature of this State is in its regular biennial session thereafter, the Governor shall in the same manner appoint one member of said board to succeed the member whose term then expires and to serve for the term of six years or until his successor is appointed. If a vacancy occurs at any time, the Governor shall in the same manner appoint some one to serve out the unexpired term; and he may in like manner remove any member of said board. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge thereof. They shall at once organize by the choice of one of their members as chairman. Said board shall choose one of its members as secretary and may also appoint and remove a clerk of the board, who shall receive pay only for time during which his services are actually required and that at a rate of not more than four dollars per day during such time as he may be employed.

SEC. 2. The board shall, as soon as possible after its organization, establish such rules of procedure as shall be approved by the Governor and Senate.

SEC. 3. Whenever any controversy or difference, not involving questions which may be the subject of a suit at law or bill in equity, exists between an employer, whether an individual, co-partnership or corporation, and his employees if at the time he employs not less than twenty-five persons in the same general line of business in any city or town or village or county in this State, the board shall upon application as hereinafter provided, and as soon as practicable thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute, and make a written decision thereof. This decision shall at once be made

public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the said board shall cause a copy thereof to be filed with the County Recorder of the county where such business is carried on.

SEC. 4. Said application shall be signed by said employer or by a majority of his employees in the department of the business in which the controversy or difference exists, or their duly authorized agent or by both parties and shall contain a concise statement of the grievance complained of, and a promise to continue in the business or at work without any lockout or strike until the decision of said board if it shall be made in three weeks of the date of filing said application, when an application is signed by an agent claiming to represent a majority of such employees, the board shall satisfy itself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving such authority shall be kept secret by said board. As soon as may be after the receipt of said application, the secretary of said board shall cause public notice to be given of the time and place for the hearing thereof; but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request be made, notice shall be given to the parties interested in such manner as the board may order and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. Should the petitioner or petitioners fail to perform the promise made in said application, the board shall proceed no further thereupon without the written consent of the adverse party. The board shall have the power to summons as witness any operative in the departments of business affected, and any person, who keeps the records of wages earned in those departments and to examine them under oath and to require the production of books containing the record of wages paid. Summons may be signed and oaths administered by any member of the board.

SEC. 5. Upon the receipt of such application and after such notice, the board shall proceed as before provided and render a written decision which shall be open to public inspection shall be recorded upon the records of the board and published at the discretion of the same, in an annual report to be made to the

Governor of the State on or before the first day of February of each year.

SEC. 6. Said decision shall be binding upon the parties who join in said application for six months, or until either party has given the other notice in writing of his intention not to be bound by the same at the expiration of sixty days therefrom. Said notice may be given to said employees by posting the same in three conspicuous places in the shop or factory, mill or at the mine where they work or are employed.

SEC. 7. The parties to any controversy or difference as described in Section 3 of this act may submit the matters in dispute, in writing to a local board of arbitration and conciliation, such board may either be mutually agreed upon, or the employer may designate one of the arbitrators, the employees or their duly authorized agent, another, and the two arbitrators so designated may choose a third, who shall be chairman of the board.

Such board shall, in respect to the matters referred to it, have and exercise all the powers which the state board might have and exercise, and its decision shall have whatever binding effect may be agreed by the parties to the controversy in the written submission.

The jurisdiction of such board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the state board. The decision of such board shall be rendered within ten days of the close of any hearing held by it; such decision shall at once be filed with the recorder of the county in which the controversy or difference arose, and a copy thereof shall be forwarded to the state board. Each of such arbitrators shall be entitled to receive from the treasury of the county in which the controversy or difference that is the subject of the arbitration exists, if such payment is approved in writing by the board of commissioners of such county, the sum of three dollars for each day of actual service, not exceeding ten days for any one arbitration, whenever it is made to appear to the mayor of a city or the board of commissioners of a county that a strike or lockout such as described in Section 8 of this act is seriously threatened or actually occurs, the mayor of such city or the board of commissioners of such county shall at once notify the state board of the facts.

SEC. 8. Whenever it shall come to the knowledge of the state board, either by notice from the mayor of a city or the

board of commissioners of a county, as provided in the preceding section or otherwise, that a strike or lockout is seriously threatened or has actually occurred in any county or town of the State, involving an employer and his present or past employees, if at the time he is employing, or up to the occurrence of the strike or lockout was employing not less than twenty-five persons in the same general line of business in any county or town in the State, it shall be the duty of the State board to put itself in communication as soon as may be with such employer, and employees, and endeavor by mediation to effect an amicable settlement between them, or to endeavor to persuade them; *Provided*, That a strike or lockout has not actually occurred or is not then continuing, to submit the matters in dispute to a local board of arbitration and conciliation, as above provided, or to the State board; and said State board may, if it deems it advisable, investigate the cause or causes of such controversy, and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given it by Section 3 of this act.

SEC. 9. Witnesses summoned by the State board shall be allowed the sum of fifty cents for each attendance, and the sum of twenty-five cents for each hour of attendance in excess of two hours, and shall be allowed five cents, a mile for travel each way from their respective places of employment or business to the place where the board is in session. Each witness shall certify in writing the amount of his travel and attendance, and the amount due him shall be paid forthwith by the board, and for such purpose the board shall be entitled to draw from the treasury of the State for the payment thereof any of the unappropriated moneys of the State.

SEC. 10. The members of said state board shall be paid six dollars per day for each day that they are actually engaged in the performance of their duties, to be paid out of the treasury of the State, and they shall be allowed their necessary traveling and other expenses, which shall be paid out of the treasury of the State.

COLORADO.

[CHAPTER 2 OF THE SESSION LAWS OF 1897. *Approved March 31.*]

An Act creating a State and local Boards of Arbitration and providing for the adjustment of differences between Employers and Employes and defining the powers and duties thereof and making an appropriation therefor.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. There shall be established a State Board of Arbitration consisting of three members, which shall be charged, among other duties provided by this Act, with the consideration and settlement by means of arbitration, conciliation and adjustment, when possible, of strikes, lockouts and labor or wage controversies arising between employers and employes.

SECTION 2. Immediately after the passage of this Act the Governor shall appoint a State Board of Arbitration, consisting of three qualified resident citizens of the State of Colorado and above the age of thirty years. One of the members of said Board shall be selected from the ranks of active members of bona fide labor organizations of the State of Colorado, and one shall be selected from active employers of labor or from organizations representing employers of labor. The third member of the Board shall be appointed by the Governor from a list which shall not consist of more than six names selected from entirely disinterested ranks submitted by the two members of the Board above designated. If any vacancy should occur in said Board, the Governor shall, in the same manner, appoint an eligible citizen for the remainder of the term, as herein before provided.

SECTION 3. The third member of said Board shall be Secretary thereof, whose duty it shall be, in addition to his duties as a member of the Board, to keep a full and faithful record of the proceedings of the Board and perform such clerical work as may be necessary for a concise statement of all official business that may be transacted. He shall be the custodian of all documents and testimony of an official character relating to the business of the Board; and shall also have, under direction of a majority of the Board, power to issue subpoenas, to administer oaths to witnesses cited before the Board, to call for and examine books, papers and documents necessary for examination in

the adjustment of labor differences, with the same authority to enforce their production as is possessed by courts of record or the judges thereof in this State.

SECTION 4. Said members of the Board of Arbitration shall take and subscribe the constitutional oath of office, and be sworn to the due and faithful performance of the duties of their respective offices before entering upon the discharge of the same. The Secretary of State shall set apart and furnish an office in the State Capitol for the proper and convenient transaction of the business of said Board.

SECTION 5. Whenever any grievance or dispute of any nature shall arise between employer and employes, it shall be lawful for the parties to submit the same directly to said Board, in case such parties elect to do so, and shall jointly notify said Board or its Clerk in writing of such desire. Whenever such notification is given it shall be the duty of said Board to proceed with as little delay as possible to the locality of such grievance or dispute, and inquire into the cause or causes of such grievance or dispute. The parties to the grievance or dispute shall thereupon submit to said Board in writing, clearly and in detail, their grievances and complaints and the cause or causes therefor, and severally agree in writing to submit to the decision of said Board as to the matters so submitted, promising and agreeing to continue on in business or at work, without a lockout or strike until the decision is rendered by the Board, provided such decision shall be given within ten days after the completion of the investigation. The Board shall thereupon proceed to fully investigate and inquire into the matters in controversy and to take testimony under oath in relation thereto; and shall have power under its Chairman or Clerk to administer oaths, to issue subpoenas for the attendance of witnesses, the production of books and papers in like manner and with the same powers as provided for in Section 3 of this Act.

SECTION 6. After the matter has been fully heard, the said Board, or a majority of its members, shall, within ten days, render a decision thereon in writing, signed by them or a majority of them, stating such details as will clearly show the nature of the decision and the points disposed of by them. The Clerk of said Board shall file four copies of such decision, one with the Secretary of State, a copy served to each of the parties to the controversy, and one copy retained by the Board.

SECTION 7. Whenever a strike or lockout shall occur or seriously threaten in any part of the State, and shall come to the knowledge of the members of the Board, or any one thereof by a written notice from either of the parties to such threatened strike or lockout, or from the Mayor or Clerk of the city or town, or from the Justice of the Peace of the district where such strike or lockout is threatened, it shall be their duty, and they are hereby directed, to proceed as soon as practicable to the locality of such strike or lockout and put themselves in communication with the parties to the controversy and endeavor by mediation to affect an amicable settlement of such controversy, and, if in their judgment it is deemed best, to inquire into the cause or causes of the controversy: and to that end the Board is hereby authorized to subpoena witnesses, compel their attendance, and send for persons and papers in like manner and with the same powers as it is authorized by Section 3 of this Act.

SECTION 8. The fees of witnesses before said Board of Arbitration shall be two dollars (\$2.00) for each day's attendance, and five (5) cents per mile over the nearest traveled routes in going to and returning from the place where attendance is required by the Board. All subpoenas shall be signed by the Secretary of the Board and may be served by any person of legal age authorized by the Board to serve the same.

SECTION 9. The parties to any controversy or difference as described in Section 5 of this Act may submit the matters in dispute in writing to a local Board of Arbitration and conciliation; said Board may either be mutually agreed upon or the employer may designate one of such arbitrators, the employees or their duly authorized agent another, and the two arbitrators so designated may choose a third who shall be Chairman of such local Board; such Board shall in respect to the matters referred to it have and exercise all the powers which the State Board might have and exercise, and its decision shall have such binding effect as may be agreed upon by the parties to the controversy in the written submission. The jurisdiction of such local Board shall be exclusive in respect to the matter submitted by it, but it may ask and receive the advice and assistance of the State Board. Such local Board shall render its decision in writing, within ten days after the close of any hearing held by it, and shall file a copy thereof with the Secretary of the State

Board. Each of such local arbitrators shall be entitled to receive from the Treasurer of the city, village or town in which the controversy or difference that is the subject of arbitration exists, if such payment is approved by the Mayor of such city, the Board of Trustees of such village, or the Town Board of such town, the sum of three dollars for each day of actual service not exceeding ten days for any one arbitration: Provided, that when such hearing is held at some point having no organized town or city government, in such case the costs of such hearing shall be paid jointly by the parties to the controversy: Provided further that in the event of any local Board of Arbitration or a majority thereof failing to agree within ten (10) days after any case being placed in their hands, the State Board shall be called upon to take charge of said case as provided by this Act.

SECTION 10. Said State Board shall report to the Governor annually, on or before the fifteenth day of November in each year, the work of the Board, which shall include a concise statement of all cases coming before the Board for adjustment.

SECTION 11. The Secretary of State shall be authorized and instructed to have printed for circulation one thousand (1,000) copies of the report of the Secretary of the Board, provided the volume shall not exceed four hundred (400) pages.

SECTION 12. Two members of the Board of Arbitration shall each receive the sum of five hundred dollars (\$500) annually, and shall be allowed all money actually and necessarily expended for traveling and other necessary expenses while in the performance of the duties of their office. The member herein designated to be the Secretary of the Board shall receive a salary of twelve hundred dollars (\$1,200) per annum. The salaries of the members shall be paid in monthly instalments by the State Treasurer upon the warrants issued by the Auditor of the State. The other expenses of the Board shall be paid in like manner upon approved vouchers signed by the Chairman of the Board of Arbitration and the Secretary thereof.

SECTION 13. The terms of office of the members of the Board shall be as follows: That of the members who are to be selected from the ranks of labor organizations and from the active employers of labor shall be for two years, and thereafter every two years the Governor shall appoint one from each class for the period of two years. The third member of the Board shall

be appointed as herein provided every two years. The Governor shall have power to remove any members of said Board for cause and fill any vacancy occasioned thereby.

SECTION 14. For the purpose of carrying out the provisions of this Act there is hereby appropriated out of the General Revenue Fund the sum of seven thousand dollars for the fiscal years 1897 and 1898, only one-half of which shall be used in each year, or so much thereof as may be necessary, and not otherwise appropriated.

SECTION 15. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

WYOMING.

Wyoming was admitted to the Union on July 11, 1890. Article 5 of the Constitution has the following provisions for the arbitration of labor disputes:

SECTION 28. The legislature shall establish courts of arbitration, whose duty it shall be to hear, and determine all differences, and controversies between organizations or associations of laborers, and their employers, which shall be submitted to them in such manner as the legislature may provide.

SECTION 30. Appeals from decisions of compulsory boards of arbitration shall be allowed to the supreme court of the state, and the manner of taking such appeals shall be prescribed by law.

MARYLAND.

An Act to provide for the reference of disputes between employers and employees to arbitration.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That whenever any controversy shall arise between any corporation incorporated by this State in which this State may be interested as a stockholder or creditor, and any persons in the employment or service of such corporation, which, in the opinion of the Board of Public Works, shall tend to impair the usefulness or prosperity of such corporation, the said Board of Public Works shall have power to demand and receive a statement of

the grounds of said controversy from the parties to the same ; and if, in their judgment, there shall be occasion so to do, they shall have the right to propose to the parties to said controversy, or to any of them, that the same shall be settled by arbitration ; and if the opposing parties to said controversy shall consent and agree to said arbitration, it shall be the duty of said Board of Public Works to provide in due form for the submission of the said controversy to arbitration, in such manner that the same may be finally settled and determined ; but if the said corporation or the said person in its employment or service, so engaged in controversy with the said corporation, shall refuse to submit to such arbitration, it shall be the duty of the said Board of Public Works to examine into and ascertain the cause of said controversy, and report the same to the next General Assembly.

SEC. 2. *And be it enacted*, That all subjects of dispute arising between corporations, and any person in their employment or service, and all subjects of dispute between employers and employees, employed by them in any trade or manufacture, may be settled and adjusted in the manner heretofore mentioned.

SEC. 3. *And be it further enacted*, That whenever such subjects of dispute shall arise as aforesaid, it shall be lawful for either party to the same to demand and have an arbitration or reference thereof in the manner following, that is to say : Where the party complaining and the party complained of shall come before, or agree by any writing under their hands, to abide by the determination of any judge or justice of the peace, it shall and may be lawful for such judge or justice of the peace to hear and finally determine in a summary manner the matter in dispute between such parties ; but if such parties shall not come before, or so agree to abide by the determination of such judge or justice of the peace, but shall agree to submit their said cause of dispute to arbitrators appointed under the provisions of this act, then it shall be lawful for any such judge or justice of the peace, and such judge or justice of the peace is hereby required, on complaint made before him, and proof that such agreement for arbitration has been entered into, to appoint arbitrators for settling the matters in dispute, and such judge or justice of the peace shall then and there propose not less than two nor more than four persons, one-half of whom shall be employers and the other half employees, acceptable to the parties to the dispute, respectively, who, together with such

judge or justice of the peace, shall have full power finally to hear and determine such dispute.

SEC. 4. *And be it further enacted*, That in all such cases of dispute as aforesaid, as in all other cases, if the parties mutually agree that the matter in dispute shall be arbitrated and determined in a different mode to the one hereby prescribed, such agreement shall be valid, and the award and determination thereon by either mode of arbitration shall be final and conclusive between the parties.

SEC. 5. *And be it further enacted*, That it shall be lawful in all cases for an employer or employee, by writing under his hand, to authorize any person to act for him in submitting to arbitration and attending the same.

SEC. 6. *And be it further enacted*, That every determination of dispute by any judge or justice of the peace shall be given as a judgment of the court over which said judge presides, and of the justice of the peace determining the same; and the said judge or justice of the peace shall award execution thereon as upon verdict, confession or nonsuit; and every award made by arbitrators appointed by any judge or justice of the peace under these provisions of this statute, shall be returned by said arbitrator to the judge or justice of the peace by whom they were appointed; and said judge or justice of the peace shall enter the same as an amicable action between the parties to the same in the court presided over by said judge or justice of the peace, with the same effect as if said action had been regularly commenced in said court by due process of law, and shall thereupon become a judgment of said court, and execution thereon shall be awarded as upon verdict, confession or nonsuit; in the manner provided in article seven of the Public General Laws of Maryland; and in all proceedings under this act, whether before a judge or justice of the peace, or arbitrators, costs shall be taxed as are now allowed by law in similar proceedings, and the same shall be paid equally by the parties to the dispute; such award shall remain four days in court during its sitting, after the return thereof, before any judgment shall be entered thereon; and if it shall appear to the court within that time that the same was obtained by fraud or malpractice in or by surprise, imposition or deception of the arbitrators, or without due notice to the parties or their attorneys, the court may set aside such award and refuse to give judgment thereon. [Approved April 1, 1878.]

KANSAS.**An Act to establish boards of arbitration, and defining their powers and duties.**

Be it enacted by the Legislature of the State of Kansas :

SECTION 1. That the district court of each county, or a judge thereof in vacation, shall have the power, and upon the presentation of a petition as hereinafter provided it shall be the duty, of said court or judge to issue a license or authority for the establishment within and for any county within the jurisdiction of said court, of a tribunal for voluntary arbitration and settlements of disputes between employers and employed in the manufacturing, mechanical, mining and other industries.

SEC. 2. The said petition shall be substantially in the form hereinafter given, and the petition shall be signed by at least five persons employed as workmen, or by two or more separate firms, individuals, or corporations within the county who are employers within the county: *Provided*, That at the time the petition is presented, the judge before whom said petition is presented may, upon motion, require testimony to be taken as to the representative character of said petitioners, and if it appears that the requisite number of said petitioners are not of the character they represent themselves to be, the establishment of the said tribunal may be denied, or he may make such other order in that behalf as shall to him seem fair to both sides.

SEC. 3. If the said petition shall be signed by the requisite number of either employers or workmen, and be in proper form, the judge shall forthwith cause to be issued a license, authorizing the existence of such a tribunal and containing the names of four persons to compose the tribunal, two of whom shall be workmen and two employers, all residents of said county, and fixing the time and place of the first meeting thereof; and an entry of the license so granted shall be made upon the journal of the district court of the county in which the petition originated.

SEC. 4. Said tribunal shall continue in existence for one year, from the date of the license creating it, and may take jurisdiction of any dispute between employers and workmen in any mechanical, manufacturing, mining, or other industry, who may submit their disputes in writing to such tribunal for decision.

judge or justice of the peace, shall have full power finally to hear and determine such dispute.

SEC. 4. *And be it further enacted*, That in all such cases of dispute as aforesaid, as in all other cases, if the parties mutually agree that the matter in dispute shall be arbitrated and determined in a different mode to the one hereby prescribed, such agreement shall be valid, and the award and determination thereon by either mode of arbitration shall be final and conclusive between the parties.

SEC. 5. *And be it further enacted*, That it shall be lawful in all cases for an employer or employee, by writing under his hand, to authorize any person to act for him in submitting to arbitration and attending the same.

SEC. 6. *And be it further enacted*, That every determination of dispute by any judge or justice of the peace shall be given as a judgment of the court over which said judge presides, and of the justice of the peace determining the same; and the said judge or justice of the peace shall award execution thereon as upon verdict, confession or nonsuit; and every award made by arbitrators appointed by any judge or justice of the peace under these provisions of this statute, shall be returned by said arbitrator to the judge or justice of the peace by whom they were appointed; and said judge or justice of the peace shall enter the same as an amicable action between the parties to the same in the court presided over by said judge or justice of the peace, with the same effect as if said action had been regularly commenced in said court by due process of law, and shall thereupon become a judgment of said court, and execution thereon shall be awarded as upon verdict, confession or nonsuit; in the manner provided in article seven of the Public General Laws of Maryland; and in all proceedings under this act, whether before a judge or justice of the peace, or arbitrators, costs shall be taxed as are now allowed by law in similar proceedings, and the same shall be paid equally by the parties to the dispute; such award shall remain four days in court during its sitting, after the return thereof, before any judgment shall be entered thereon; and if it shall appear to the court within that time that the same was obtained by fraud or malpractice in or by surprise, imposition or deception of the arbitrators, or without due notice to the parties or their attorneys, the court may set aside such award and refuse to give judgment thereon. [Approved April 1, 1878.

KANSAS.**An Act to establish boards of arbitration, and defining their powers and duties.**

Be it enacted by the Legislature of the State of Kansas :

SECTION 1. That the district court of each county, or a judge thereof in vacation, shall have the power, and upon the presentation of a petition as hereinafter provided it shall be the duty, of said court or judge to issue a license or authority for the establishment within and for any county within the jurisdiction of said court, of a tribunal for voluntary arbitration and settlements of disputes between employers and employed in the manufacturing, mechanical, mining and other industries.

SEC. 2. The said petition shall be substantially in the form hereinafter given, and the petition shall be signed by at least five persons employed as workmen, or by two or more separate firms, individuals, or corporations within the county who are employers within the county: *Provided*, That at the time the petition is presented, the judge before whom said petition is presented may, upon motion, require testimony to be taken as to the representative character of said petitioners, and if it appears that the requisite number of said petitioners are not of the character they represent themselves to be, the establishment of the said tribunal may be denied, or he may make such other order in that behalf as shall to him seem fair to both sides.

SEC. 3. If the said petition shall be signed by the requisite number of either employers or workmen, and be in proper form, the judge shall forthwith cause to be issued a license, authorizing the existence of such a tribunal and containing the names of four persons to compose the tribunal, two of whom shall be workmen and two employers, all residents of said county, and fixing the time and place of the first meeting thereof; and an entry of the license so granted shall be made upon the journal of the district court of the county in which the petition originated.

SEC. 4. Said tribunal shall continue in existence for one year, from the date of the license creating it, and may take jurisdiction of any dispute between employers and workmen in any mechanical, manufacturing, mining, or other industry, who may submit their disputes in writing to such tribunal for decision.

Vacancies occurring in the membership of the tribunal shall be filled by the judge or court that licensed said tribunal. Disputes occurring in one county may be referred to a tribunal already existing in an adjoining county. Said court at the time of the issuance of said license shall appoint an umpire for said tribunal, who shall be sworn to impartially decide all questions that may be submitted to him during his term of office. The umpire shall be called upon to act after disagreement is manifested in the tribunal by failure to agree during three meetings held and full discussion had. His award shall be final and conclusive upon such matters only as are submitted to him in writing and signed by the whole of the members of the tribunal, or by parties submitting the same. And the award of said tribunal shall be final and conclusive upon the questions so submitted to it: *Provided*, That said award may be impeached for fraud, accident or mistake.

SEC. 5. The said tribunal when convened shall be organized by the selection of one of their number as chairman, and one as secretary, who shall be chosen by a majority of the members.

SEC. 6. The members of the tribunal and the umpire shall each receive as compensation for their services, out of the treasury of the county in which said dispute shall arise, two dollars for each day of actual service. The sessions of said tribunal shall be held at the county seat of the county where the petition for the same was presented, and a suitable room for the use of said tribunal shall be provided by the county commissioners.

SEC. 7. All submissions of matters in dispute shall be made to the chairman of said tribunal, who shall file the same. The chairman of the tribunal shall have power to administer oaths to all witnesses who may be produced, and a majority of said tribunal may provide for the examination and investigation of books, documents and accounts necessary, material, and pertaining to the matters in hearing before the tribunal, and belonging to either party to the dispute. The umpire shall have power when necessary to administer oaths and examine witnesses, and examine and investigate books, documents and accounts pertaining to the matters submitted to him for decision.

SEC. 8. The said tribunal shall have power to make, ordain and enforce rules for the government of the body, when in session, to enable the business to be proceeded with in order, and to fix its sessions and adjournments; but such rules shall not

conflict with this statute nor with any of the provisions of the constitution and laws of the state: *Provided*, That the chairman of said tribunal may convene said tribunal in extra session at the earliest day possible, in cases of emergency.

SEC. 9. Before the umpire shall proceed to act, the question or questions in dispute shall be plainly defined in writing and signed by the members of the tribunal or a majority thereof, or by the parties submitting the same; and such writing shall contain the submission of the decision thereof to the umpire by name, and shall provide that his decision thereon after hearing shall be final; and said umpire must make his award within five days from the time the question or questions in dispute are submitted to him. Said award shall be made to the tribunal; and if the award is for a specific sum of money, said award of money, or the award of the tribunal, when it shall be for a specific sum, may be made a matter of record by filing a copy thereof in the district court of the county wherein the tribunal is in session. When so entered of record it shall be final and conclusive, and the proper court may on motion of anyone interested, enter judgment thereon; and when the award is for a specific sum of money may issue final and other process to enforce the same: *Provided*, That any such award may be impeached for fraud, accident, or mistake.

SEC. 10. The form of the petition praying for a tribunal under this act shall be as follows:—

To the District Court of County (or a judge thereof, as the case may be): The subscribers hereto being the number and having the qualifications required in this proceeding, being desirous of establishing a tribunal of voluntary arbitration for the settlement of disputes in the manufacturing, mechanical, mining and other industries, pray that a license for a tribunal of voluntary arbitration may be issued, to be composed of four persons and an umpire, as provided by law.

SEC. 11. This act to be in force and take effect from and after its publication in the official state paper. [*Published February 25, 1886.*]

IOWA.**An Act to Authorize the Creation and to Provide for the Operation of Tribunals of Voluntary Arbitration to Adjust Industrial Disputes between Employers and Employed.**

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the district court of each county, or a judge thereof in vacation, shall have power, and upon the presentation of a petition, or of the agreement hereinafter named, it shall be the duty of said court, or a judge thereof in vacation, to issue in the form hereinafter named, a license or authority for the establishment within and for each county of tribunals for voluntary arbitration and settlement of disputes between employers and employed in the manufacturing, mechanical or mining industries.

SEC. 2. The said petition or agreement shall be substantially in the form hereinafter given, and the petition shall be signed by at least twenty persons employed as workmen, and by four or more separate firms, individuals, or corporations within the county, or by at least four employers, each of whom shall employ at least five workmen, or by the representative of a firm, corporation or individual employing not less than twenty men in their trade or industry; *provided*, that at the time the petition is presented, the judge before whom said petition is presented may, upon motion require testimony to be taken as to the representative character of said petitioners, and if it appears that said petitioners do not represent the will of a majority, or at least one-half of each party to the dispute, the license for the establishment of said tribunal may be denied, or may make such other order in this behalf as to him shall seem fair to both sides.

SEC. 3. If the said petition shall be signed by the requisite number of both employers and workmen, and be in proper form and contain the names of the persons to compose the tribunal, being an equal number of employers and workmen, the judge shall forthwith cause to be issued a license substantially in the form hereinafter given, authorizing the existence of such tribu-

nal and fixing the time and place of the first meeting thereof, and an entry of the license so granted shall be made upon the journal of the district court of the county in which the petition originated.

SEC. 4. Said tribunal shall continue in existence for one year from date of the license creating it, and may take jurisdiction of any dispute between employers and workmen in any mechanical, manufacturing, or mining industry, or business, who shall have petitioned for the tribunal, or have been represented in the petition therefor, or who may submit their disputes in writing to such tribunal for decision. Vacancies occurring in the membership of the tribunal shall be filled by the judge or court that licensed said tribunal, from three names, presented by the members of the tribunal remaining in that class, in which the vacancies occur. The removal of any member to an adjoining county, shall not cause a vacancy in either the tribunal or post of umpire. Disputes occurring in one county may be referred to a tribunal already existing in an adjoining county. The place of umpire in any of said tribunals and vacancies occurring in such place, shall only be filled by the mutual choice of the whole of the representatives, of both employers and workmen constituting the tribunal, immediately upon the organization of the same, and the umpire shall be called upon to act after disagreement is manifested in the tribunal by failure during three meetings held and full discussion had. His award shall be final and conclusive upon such matters only as are submitted to him in writing and signed by the whole of the members of the tribunal, or by parties submitting the same.

SEC. 5. The said tribunal shall consist of not less than two employers or their representatives, and two workmen or their representatives. The exact number which shall in each case constitute the tribunal, shall be inserted in the petition or agreement, and they shall be named in the license issued. The said tribunal, when convened shall be organized by the selection of one of their members as chairman and one as secretary, who shall be chosen by a majority of the members, or if such majority cannot be had after two votes, then by secret ballot, or by lot, as they prefer.

SEC. 6. The members of the tribunal shall receive no compensation for their services from the city or county, but the expenses of the tribunal, other than fuel, light and the use of the room and furniture, may be paid by voluntary subscription, which the tribunal is authorized to receive and expend for such purposes. The sessions of said tribunal shall be held at the county seat of the county where the petition for the same was presented, and a room in the court house or elsewhere for the use of said tribunal shall be provided by the county board of supervisors.

SEC. 7. When no umpire is acting, the chairman of the tribunal shall have power to administer oaths to all witnesses who may be produced, and a majority of said tribunal may provide for the examination and investigation of books, documents and accounts pertaining to the matters in hearing before the tribunal, and belonging to either party to the dispute; *provided*, that the tribunal may unanimously direct that instead of producing books, papers and accounts before the tribunal, an accountant agreed upon by the entire tribunal may be appointed to examine such books, papers and accounts, and such accountant shall be sworn to well and truly examine such books, documents and accounts, as may be presented to him, and to report the results of such examination in writing to said tribunal. Before such examination, the information desired and required by the tribunal shall be plainly stated in writing, and presented to said accountant, which statement shall be signed by the members of said tribunal, or by a majority of each class thereof. Attorneys at law or other agents of either party to the dispute, shall not be permitted to appear or take part in any of the proceedings of the tribunal, or before the umpire.

SEC. 8. When the umpire is acting he shall preside and he shall have all the power of the chairman of the tribunal, and his determination upon all questions of evidence, or other questions in conducting the inquiries there pending, shall be final. Committees of the tribunal consisting of an equal number of each class may be constituted to examine into any question in dispute between employers and workmen which may have been referred to said committee by the tribunal, and such committee may hear, and settle the same finally, when it can be done by a

unanimous vote; otherwise the same shall be reported to the full tribunal, and be there heard as if the question had not been referred. The said tribunal in connection with the said umpire shall have power to make or ordain and enforce rules for the government of the body when in session to enable the business to be proceeded with, in order, and to fix its sessions and adjournments, but such rules shall not conflict with this statute nor with any of the provisions of the constitution and laws of Iowa.

SEC. 9. Before the umpire shall proceed to act, the question or questions in dispute shall be plainly defined in writing and signed by the members of the tribunal, or a majority thereof of each class, or by the parties submitting the same, and such writing shall contain the submission of the decision thereof to the umpire by name, and shall provide that his decision thereon, after hearing shall be final. The umpire shall be sworn to impartially decide all questions that may be submitted to him during his term of office. The submission and his award may be made in the form hereinafter given, and said umpire must make his award within ten days from the time the question or questions in dispute are submitted to him. Said award shall be made to the tribunal; and if the award is for a specific sum of money, said award may be made a matter of record by filing a copy thereof in the district court of the county wherein the tribunal is in session. When so entered of record it shall be final and conclusive, and the proper court may, on motion of any one interested enter judgment thereon; and when the award is for a specific sum of money may issue final and other process to enforce the same.

SEC. 10. The form of the joint petition or agreement praying for a tribunal under this act shall be as follows:

To the District Court of _____ County (or to a judge thereof, as the case may be):

The subscribers hereto being the number, and having the qualifications required in this proceeding, being desirous of establishing a tribunal of voluntary arbitration for the settlement of disputes in the (here name the branch of industry), trade, and having agreed upon A, B, C, D, and E representing the employers, and G, H, I, J, and K representing the workmen, as members of said tribunal, who each

are qualified to act thereon, pray that a license for a tribunal in the _____ trade may be issued to said persons named above.

EMPLOYERS.	Names.	Residence.	Works.	Number employed.

EMPLOYEES.	Names.	Residence.	By whom employed.

SEC. 11. The license to be issued upon such petition may be as follows.

STATE OF IOWA } ss
COUNTY }

Whereas, The joint petition, and agreement of four employers (or representatives of a firm or corporation or individual employing twenty men as the case may be), and twenty workmen have been presented to this court (or if to a judge in vacation so state) praying the creation of a tribunal, of voluntary arbitration for the settlement of disputes in the workman trade within this county and naming A, B, C, D, and E representing the employers, and G, H, I, J, and K representing the workmen. Now in pursuance of the statute for such case made, and provided said named persons are hereby licensed, and authorized to be, and exist as a tribunal of voluntary arbitration for the settlement of disputes between employers, and workmen for the period of one year from this date, and they shall meet, and organize on the _____ day of _____ A.D. _____ at _____

Signed this _____ day of _____, A.D. _____

Clerk of the _____ District Court of _____ County.

SEC. 12. When it becomes necessary to submit a matter in controversy to the umpire it may be in form as follows:

We A, B, C, D, and E representing employers, and G, H, I, J, and K representing workmen composing a tribunal of voluntary arbitration hereby submit, and refer unto the umpirage of L (the umpire

of the tribunal of the.....trade) the following subject-matter, viz.: (Here state full, and clear the matter submitted), and we hereby agree that his decision and determination upon the same shall be binding upon us, and final, and conclusive upon the questions thus submitted, and we pledge ourselves to abide by, and carry out the decision of the umpire when made.

Witness our names this day of A.D.

(Signatures)

SEC. 13. The umpire shall make his award in writing to the tribunal, stating distinctly his decision on the subject-matter submitted, and when the award is for a specific sum of money, the umpire shall forward a copy of the same to the clerk of the proper court. [*Approved March 6, 1886.*]

PENNSYLVANIA.

An Act to establish boards of arbitration to settle all questions of wages and other matters of variance between capital and labor.

WHEREAS, The great industries of this Commonwealth are frequently suspended by strikes and lockouts resulting at times in criminal violation of the law and entailing upon the State vast expense to protect life and property and preserve the public peace:

And, whereas, No adequate means exist for the adjustment of these issues between capital and labor, employers and employés, upon an equitable basis where each party can meet together upon terms of equality to settle the rates of compensation for labor and establish rules and regulations for their branches of industry in harmony with law and a generous public sentiment: Therefore,

SECTION 1. *Be it enacted, &c.,* That whenever any differences arise between employers and employés in the mining, manufacturing or transportation industries of the Commonwealth which cannot be mutually settled to the satisfaction of a majority of all parties concerned, it shall be lawful for either party, or for both parties jointly, to make application to the

court of common pleas wherein the service is to be performed about which the dispute has arisen to appoint and constitute a board of arbitration to consider, arrange and settle all matters at variance between them which must be fully set forth in the application, such application to be in writing and signed and duly acknowledged before a proper officer by the representatives of the persons employed as workmen, or by the representatives of a firm, individual or corporation, or by both, if the application is made jointly by the parties; such applicants to be citizens of the United States, and the said application shall be filed with the record of all proceedings had in consequence thereof among the records of said court.

SECTION 2. That when the application duly authenticated has been presented to the court of common pleas, as aforesaid, it shall be lawful for said court, if in its judgment the said application allege matters of sufficient importance to warrant the intervention of a board of arbitrators in order to preserve the public peace, or promote the interests and harmony of labor and capital, to grant a rule on each of the parties to the alleged controversy, where the application is made jointly, to select three citizens of the county of good character and familiar with all matters in dispute to serve as members of the said board of arbitration which shall consist of nine members all citizens of this Commonwealth; as soon as the said members are appointed by the respective parties to the issue, the court shall proceed at once to fill the board by the selection of three persons from the citizens of the county of well-known character for probity and general intelligence, and not directly connected with the interests of either party to the dispute, one of whom shall be designated by the said judge as president of the board of arbitration.

Where but one party makes application for the appointment of such board of arbitration the court shall give notice by order of court to both parties in interest, requiring them each to appoint three persons as members of said board within ten days thereafter, and in case either party refuse or neglects to make such appointment the court shall thereupon fill the board by the selection of six persons who, with the three named by the other party in the controversy, shall constitute said board of arbitration.

The said court shall also appoint one of the members thereof secretary to the said board, who shall also have a vote and

the same powers as any other member, and shall also designate the time and place of meeting of the said board. They shall also place before them copies of all papers and minutes of proceedings to the case or cases submitted.

SECTION 3. That when the board of arbitrators has been thus appointed and constituted, and each member has been sworn or affirmed and the papers have been submitted to them, they shall first carefully consider the records before them and then determine the rules to govern their proceedings; they shall sit with closed doors until their organization is consummated after which their proceedings shall be public. The president of the board shall have full authority to preserve order at the sessions and may summon or appoint officers to assist and in all ballotings he shall have a vote. It shall be lawful for him at the request of any two members of the board to send for persons, books and papers, and he shall have power to enforce their presence and to require them to testify in any matter before the board, and for any wilful failure to appear and testify before said board, when requested by the said board, the person or persons so offending shall be guilty of a misdemeanor, and on conviction thereof in the court of quarter sessions of the county where the offence is committed, shall be sentenced to pay a fine not exceeding five hundred dollars and imprisonment not exceeding thirty days, either or both, at the discretion of the court.

SECTION 4. That as soon as the board is organized the president shall announce that the sessions are opened and the variants may appear with their attorneys and counsel, if they so desire, and open their case, and in all proceedings the applicant shall stand as plaintiff, but when the application is jointly made, the employés shall stand as plaintiff in the case, each party in turn shall be allowed a full and impartial hearing and may examine experts and present models, drawings, statements and any proper matter bearing on the case, all of which shall be carefully considered by the said board in arriving at their conclusions, and the decision of the said board shall be final and conclusive of all matters brought before them for adjustment, and the said board of arbitration may adjourn from the place designated by the court for holding its sessions, when it deems it expedient to do so, to the place or places where the

dispute arises and hold sessions and personally examine the workings and matters at variance to assist their judgment.

SECTION 5. That the compensation of the members of the board of arbitration shall be as follows, to wit: each shall receive four dollars per diem and ten cents per mile both ways between their homes and the place of meeting by the nearest comfortable routes of travel to be paid out of the treasury of the county where the arbitration is held, and witnesses shall be allowed from the treasury of the said county the same fees now allowed by law for similar services.

SECTION 6. That the board of arbitrators shall duly execute their decision which shall be reached by a vote of a majority of all the members by having the names of those voting in the affirmative signed thereon and attested by the secretary, and their decisions, together with all the papers and minutes of their proceedings, shall be returned to and filed in the court aforesaid for safe keeping.

SECTION 7. All laws and parts of laws inconsistent with the provisions of this act be and the same are hereby repealed.
[Approved the 18th day of May, A.D. 1893.]

TEXAS.

[CHAPTER 379.]

An Act to provide for the amicable adjustment of grievances and disputes that may arise between employers or receiver and employes, and to authorize the creation of a board of arbitration; to provide for compensation of said board, and to provide penalties for the violation hereof.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That whenever any grievance or dispute of any nature, growing out of the relation of employer and employes, shall arise or exist between employer and employes, it shall be lawful upon mutual consent of all parties, to submit all matters respecting such grievance or dispute in writing to a board of arbitrators to hear, adjudicate, and determine the same. Said board shall consist of five (5) persons. When the employes concerned in such grievance or dispute as the aforesaid are members in good standing of any labor organization which is

represented by one or more delegates in a central body, the said central body shall have power to designate two (2) of said arbitrators, and the employer shall have the power to designate two (2) others of said arbitrators, and the said four arbitrators shall designate a fifth person as arbitrator, who shall be chairman of the board. In case the employes concerned in any such grievance or dispute as aforesaid are members in good standing of a labor organization which is not represented in a central body, then the organization of which they are members shall designate two members of said board, and said board shall be organized as hereinbefore provided; and in case the employes concerned in any such grievance or dispute as aforesaid are not members of any labor organization, then a majority of said employes, at a meeting duly held for that purpose, shall designate two arbitrators for said board, and said board shall be organized as hereinbefore provided: *Provided*, that when the two arbitrators selected by the respective parties to the controversy, the district judge of the district having jurisdiction of the subject matter shall, upon notice from either of said arbitrators that they have failed to agree upon the fifth arbitrator, appoint said fifth arbitrator.

SEC. 2. That any board as aforesaid selected may present a petition in writing to the district judge of the county where such grievance or dispute to be arbitrated may arise, signed by a majority of said board, setting forth in brief terms the facts showing their due and regular appointment, and the nature of the grievance or dispute between the parties to said arbitration, and praying the license or order of such judge establishing and approving of said board of arbitration. Upon the presentation of said petition it shall be the duty of said judge, if it appear that all requirements of this act have been complied with, to make an order establishing such board of arbitration and referring the matters in dispute to it for hearing, adjudication and determination. The said petition and order, or a copy thereof, shall be filed in the office of the district clerk of the county in which the arbitration is sought.

SEC. 3. That when a controversy involves and affects the interests of two or more classes or grades of employes belonging to different labor organizations, or of individuals who are not members of a labor organization, then the two arbitrators

